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COMMONWEALTH OF AUSTRALIA. *Parliament*

PARLIAMENTARY DEBATES.

FIRST SESSION, 1920.

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EIGHTH PARLIAMENT.

FIRST SESSION.

Governor-General.

His Excellency the Right Honorable Sir RONALD CRAUFURD MUNRO FERGUSON, a Member of His Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, and Commander-in-Chief in and over the Commonwealth of Australia.

Australian National Government.

(From 10th January, 1918.)

Prime Minister and Attorney-General	..	The Right Honorable William Morris Hughes, P.C., K.C.
Minister for the Navy .. ..	..	The Right Honorable Sir Joseph Cook, P.C., G.C.M.G.
		<i>Succeeded by</i>
		The Honorable W. H. Laird Smith (28th July, 1920).
Treasurer .. ..	..	The Right Honorable Lord Forrest, P.C., G.C.M.G.
		<i>Succeeded by</i>
		The Right Honorable William Alexander Watt, P.C. (27th March, 1918)
		<i>Succeeded by</i>
Minister for Defence .. ..	..	The Right Honorable Sir Joseph Cook, P.C., G.C.M.G. (28th July, 1920).
Minister for Repatriation ..	..	The Honorable George Foster Pearce.
Minister for Works and Railways	..	The Honorable Edward Davis Millen.
		The Right Honorable William Alexander Watt, P.C.
		<i>Succeeded by</i>
Minister for Home and Territories	..	The Honorable Littleton Ernest Groom (27th March, 1918).
		The Honorable Patrick McMahon Glynn K.C. †††
		<i>Succeeded by</i>
Minister for Trade and Customs ..	..	The Honorable Alexander Poynton (4th February, 1920).
		The Honorable Jens August Jensen.†
		<i>Succeeded by</i>
		The Right Honorable William Alexander Watt, P.C. (13th December, 1918).
		<i>Succeeded by</i>
Postmaster-General .. ..	..	The Honorable Walter Massy Greene (17th January, 1919).
		The Honorable William Webster. †††
		<i>Succeeded by</i>
Vice-President of the Executive Council	..	The Honorable George Henry Wise (4th February, 1920).
		The Honorable Littleton Ernest Groom.
		<i>Succeeded by</i>
Honorary Minister .. ..	..	The Honorable Edward John Russell (27th March, 1918).
		The Honorable Edward John Russell.
Honorary Minister .. ..	..	Appointed Vice-President of the Executive Council, 27th March, 1918.
		The Honorable Alexander Poynton.
Honorary Minister .. ..	..	Appointed Minister for Home and Territories, 4th February, 1920.
		The Honorable George Henry Wise.
Honorary Minister .. ..	..	Appointed Postmaster-General, 4th February, 1920.
		The Honorable Walter Massy Greene.
		Appointed Minister for Trade and Customs, 17th January, 1919.*
Honorary Minister .. ..	..	The Honorable Richard Beaumont Orchard**
Honorary Minister .. ..	..	The Honorable Sir Granville de Laune Eyrie, K.C.M.G., C.B., V.D. ††
Honorary Minister .. ..	..	The Honorable William Laird Smith.††
		Appointed Minister for the Navy, 28th July, 1920.
Honorary Minister .. ..	..	The Honorable Arthur Stanislaus Rodgers.***

* Appointed 26th March, 1918. —† Removed from office, 13th December, 1918. —** Resigned office, 31st January, 1919. —†† Appointed 4th February, 1920. —††† Resigned 3rd February, 1920. —†††† Resignation from office gazetted, 15th June, 1920. —*** Appointed 28th July, 1920.

Senators.

(From 1st July, 1920.)

President—Senator the Honorable Thomas Givens.

Chairman of Committees—Senator Thomas Jerome Kingston Bakhap.

Adamson, Hon. John, C.B.E. (Q.)	Guthrie, James Francis (V.)
Bakhap, Thomas Jerome Kingston (T.)	Guthrie, Robert Storrie (S.A.)
Benny, Benjamin (S.A.)	Henderson, George (W.A.)
Bolton, William Kinsey (V.)	Keating, Hon. John Henry (T.)
*Buzacott, Richard (W.A.)	Lynch, Hon. Patrick Joseph (W.A.)
Cox, Charles Frederick, C.B., C.M.G. (N.S.W.)	Millen, Hon. Edward Davis (N.S.W.)
Crawford, Thomas William (Q.)	Millen, John Dunlop (T.)
De Largie, Hon. Hugh (W.A.)	¹ Newland, John (S.A.)
Drake-Brockman, Edmund Alfred (W.A.)	Payne, Hon. Herbert James Mockford (T.)
Duncan, Walter Leslie (N.S.W.)	² Pearce, Hon. George Foster (W.A.)
Earle, Hon. John (T.)	¹ Plain, William (V.)
Elliott, Harold Edward, C.B., C.M.G. (V.)	Pratten, Herbert Edward (N.S.W.)
Fairbairn, George (V.)	Reid, Matthew (Q.)
Foll, Hattil Spencer (Q.)	¹ Rowell, James, C.B. (S.A.)
² Foster, George Matthew (T.)	Russell, Hon. Edward John (V.)
Gardiner, Hon. Albert (N.S.W.)	Senior, William (S.A.)
Givens, Hon. Thomas (Q.)	Thomas, Hon. Josiah (N.S.W.)
Glasgow, Sir Thomas William, K.C.B., C.M.G. (Q.)	Wilson, Reginald Victor (S.A.)

1. Appointed Temporary Chairman of Committees, 21st July, 1920. 2. Sworn 21st July, 1920.
3. Appointed Temporary Chairman of Committees, 26th February, 1920.

ADJOURNMENT.

RETURNED SAILORS AND SOLDIERS IMPERIAL LEAGUE: CONTROL OF DISTRIBUTION OF SOLDIERS' TWEED.

Motion (by Sir JOSEPH COOK) proposed—

That the House do now adjourn.

Mr. CHARLTON (Hunter) [10.26].—I asked a question on 8th July regarding the position of soldiers who were not members of the Returned Sailors and Soldiers Imperial League, and who wished to participate in the distribution of Anzac tweed. I was informed, in effect, that there was no foundation for the allegation that returned men who are not members of the League are precluded from securing cloth. I have nothing whatever against the League, but merely wish to see even-handed justice meted out to every man, irrespective of whether he is a member of the League or not. If the Government is providing cloth, every man who served abroad should have an equal and perfect right to secure a suit-length if he so desires. Since receiving the official answer to my question, a returned soldier, who was a lieutenant, and who is not a member of the League, sent me a letter pointing out that what I had suggested was absolutely correct. He says—

I saw the party in charge, and I put to him a plain, straightforward question, namely, "Is this cloth issued for the benefit of returned soldiers in general, or is it sent up for the use of those who belong to the Returned Soldiers League only?" He replied, "It was sent up for the League members only," and also that the League had placed £1,000 down for the monopoly, and, furthermore, he was acting under instructions from the League, and only members of the League could be first served, at the same time politely intimating that when the League members were served there was nothing left over. Or, in other words, you had to become a member of the League or go without.

I have also received word from an ex-sergeant who made application at the same place, namely, at the Newcastle office of the Returned Sailors and Soldiers Imperial League, and who received the same answer. I now ask that further inquiries be made in order to ascertain whether all our returned men are getting a fair deal. I bring the matter forward solely to clear it up, and honorable members will understand that I have no feeling in the position at all. I may say that in my district there is a league of returned men which is not connected with the Returned Sailors and Soldiers Im-

perial League, and that it is its members who have complained to me.

Sir GRANVILLE RYRIE (North Sydney—Assistant Minister for Defence) [10.28].—I am greatly surprised to learn the particulars brought forward by the honorable member. The information which I gave in reply to his original question was supplied through official channels, and I was bound to accept it as correct. I will make further inquiry—

Sir JOSEPH COOK.—And if they have sold you another "pup"?

Sir GRANVILLE RYRIE.—Then they will hear from me. Obviously, there must be something in this complaint. I shall institute strict and immediate investigation to see where the trouble lies.

Question resolved in the affirmative.

House adjourned at 10.30 p.m.

Senate.

Friday, 30 July, 1920.

The PRESIDENT (Senator the Hon. T. Givens) took the chair at 11 a.m., and read prayers.

WOOL POOL.

SALE TO COLONIAL COMBING AND SPINNING COMPANY.

Senator GUTHRIE.—I ask the Leader of the Government in the Senate if he will lay on the table the contract for the sale of 10,600 bales of wool to the Colonial Combing and Spinning Company, of Sydney, and also the report of the Central Wool Committee upon the contract.

Senator E. D. MILLEN.—I scarcely know what the honorable senator's request is, unless it be that certain papers should be laid on the table of the Senate. I am under the impression that the papers to which he refers have been made available to Parliament, but if the honorable senator will repeat his question on Wednesday next, I shall in the meantime place myself in a position to give a definite answer to his inquiry.

PAPUA BILL.

Bill (on motion by Senator E. D. MILLEN) read a third time.

CENSUS AND STATISTICS BILL.

Bill (on motion by Senator E. D. MILLEN) read a third time.

INSTITUTE OF SCIENCE AND INDUSTRY BILL.

Bill received from House of Representatives, and (on motion by Senator E. D. MILLEN) read a first time.

UNLAWFUL ASSEMBLIES BILL.

SECOND READING.

Senator E. D. MILLEN (New South Wales—Minister for Repatriation) [11.5].
—I move—

That this Bill be now read a second time.

I cannot recollect a Bill coming before this Chamber since its creation which, it seems to me, required less in the way of argument to support it than does this measure. It is simply a Bill which, if it becomes operative, will insure to this Parliament absolute freedom. It will insure the right of honorable senators to access to this building, and the greater freedom still for this Parliament to carry on its deliberations without being influenced, or, it may be, intimidated, and possibly even interrupted, by any gathering of an assemblage within the precincts of Parliament House.

The Commonwealth Parliament, in taking this step to protect itself and insure its perfect freedom in carrying out its functions, will not be at all singular. I think I am safe in saying that, in one form or another, all Parliaments secure for themselves the freedom to which I have referred. It seems to me that it was a mere oversight, on the creation of the Federal Parliament, that a Bill of this character was not then placed on the statute-book of the Commonwealth. When as a result of an arrangement with the State Parliament of Victoria this building was made available for meetings of the Federal Parliament, that protection which previously existed and was thrown around this building as the result of such an Act, was removed from these premises and transferred to the building now occupied by the Victorian Parliament, leaving the Commonwealth Parliament without that protection which experience has shown to be necessary wherever parliamentary government exists. Probably in the rush of more important matters at that time the gap thus created was not filled by Federal legislation.

When during the progress of the war certain demonstrations, which I think I am entitled to say were hostile, occurred outside this building, resort was had to the War Precautions Act, and under that measure a certain protection was afforded to Parliament. The operation of that measure is drawing to a close, and honorable senators will recognise, as the Government do, that as the War Precautions Act ceases to operate it is desirable that we should proceed to obtain the necessary authority and power by ordinary legislative procedure. Parliament is now being asked in that way to secure to its deliberations that freedom, and it may be, that protection which at present we lack outside the powers of the War Precautions Act.

I should like honorable senators to recall what happened not only quite recently, but a few months ago. I think it is no exaggeration to say that the demonstrations which took place outside these walls were not so much in the nature of agitations to arouse public opinion as they were demonstrations intended to influence and, it may be, to overawe Parliament. No Parliament can carry on its functions within the shadow of what is intended to be, and undoubtedly is, a threat. These demonstrations outside seem to me to become a little more serious because of the obvious sympathy extended to them by members of this Parliament. I do not think I can be accused of resorting to exaggeration if I say that the gentlemen to whom I refer—members of one or the other branch of this Legislature—accepted a very grave responsibility when they extended a measure of encouragement and sympathy to the gatherings which took place outside these walls. It is not difficult to conceive that when an excited crowd gathers together, if it is afforded the leadership and stimulus of the presence of public men, it may easily get out of hand. There was one occasion upon which the tumult reached the very doors of Parliament House itself, and but for the presence of certain policemen, it is safe to say that it would not have stopped there, and might, indeed, have invaded the legislative chambers of this building. Fortunately those occurrences passed off without any mishap, but I desire to say that in my judgment, if anything serious had occurred, the responsibility would have rested with the public men who associated themselves with those

demonstrations rather than with those who were encouraged by their sympathy.

This is an extremely modest measure, and provides only what is necessary to meet the circumstances of the case. I ask honorable senators for the moment to set aside the purpose of the recent demonstration of a night or two ago, which had reference to the deportation of Father Jerger, and regard only the demonstration itself. It would have been equally objectionable if it had had to do with any other matter. There should be no freedom for a demonstration to gather on the very steps of Parliament House. Whilst I am asking honorable senators to ignore for the moment the purpose of the recent demonstration, I do direct attention to the fact that it was a distinct and open flouting of authority. The handbills circulated calling the meeting together contained amongst other announcements this very extraordinary statement—

Returned Australian soldiers will form a bodyguard for speakers.

A bodyguard against whom? If the intention were to protect the speakers from some one, it could only have been to protect them from the representatives of lawful authority. I submit that that was a distinct call to disorder. It was a call for citizens to gather here, it may have been with a *bona fide* belief in the justice of the views they held, but it was nevertheless an appeal to disorder, and for people to place themselves in open and direct conflict with the law. In view of that, the Government took the only action which it could take by the assertion of the powers it then had to prevent the gathering from assuming any more serious aspect than it did.

The Senate is now asked, not for the protection of the Government, but for the protection of this Parliament, to embody in definite Statute form a prohibition against the holding of such meetings, and provision for the imposition of certain penalties if such meetings are held. There can be no question that these meetings held in the vicinity of Parliament House are for the purpose of influencing or overawing Parliament. There could be no objection to such meetings, if they were otherwise unobjectionable, being held at any one of the hundred and one places available to those responsible for them. But it is quite clear that that would not serve the purpose of the promoters of such gatherings.

There is only one object in calling for such demonstrations here, and it is too obvious for me to make any further reference to it. By means of this Bill Parliament will be afforded an opportunity of stating that that shall be regarded as an offence, and provision will be made for the punishment of those who wilfully break the law.

I said just now that this is a modest measure, and I repeat that statement. Parliament is asked to prohibit the holding of such demonstrations within the smallest possible area which may be effective for the purpose. Under the War Precautions regulations a larger area was covered, and this Bill places an embargo only on that area which is coterminous with the streets immediately surrounding this block of buildings. That is the area in which meetings of the kind referred to are to be prohibited. I ask honorable senators to realize that in the matter of numbers we are granting reasonable limitations, as the number of persons allowed to meet has been fixed at twenty. In Queensland it is three. That State does manage somehow or other to give us a lead at times. I am not asking the Senate to be so extreme as the State of Queensland, as our number has been fixed at twenty. I have referred to the Victorian legislation, but at the moment I have not before me the number which it has fixed as a limit. There is a similar prohibition in New South Wales, and in the Mother of Parliaments the number varies from ten to fifty—ten in the case of people submitting a petition and fifty for an ordinary gathering in the streets. I think it will be generally agreed that the number of twenty is quite within the limits of reason. I feel it is not necessary for me to stress the importance and necessity of a measure of this character, because it is within the knowledge of honorable senators that certain happenings which have occurred quite recently are stronger arguments than any I could hope to shape into words.

Some honorable senators may question our authority under the Constitution to legislate in this manner; but I think it will be apparent to every one that there is within an assembly of this kind an inherent power to see that the work intrusted to it by the Constitution is carried

out effectively and without undue interference. Apart from that, however, our legal advisers in the Crown Law Department are quite clear that in the section of the Constitution which gives us power to legislate on certain matters we are also given the right to legislate on all those matters that are deemed necessary, independently of those which are specifically referred to, which necessarily include legislation for the good order and government of the country. Unless we can legislate freely and without intimidation, it must be apparent that the whole Constitution must break down. The Crown Law officers are emphatic that we have the power, both stated and implied, under the Constitution to legislate in this direction.

Senator THOMAS (New South Wales) [11.18].—I do not wish to unnecessarily delay the passage of this measure, but I would like to know why the Minister for Repatriation (Senator Millen) is anxious to proceed to-day.

Senator E. D. MILLEN.—I would like the Bill to pass, because at present we are acting only under a War Precautions regulation, and honorable senators will, I think, admit that it is desirable to have a special measure.

Senator THOMAS.—I am in perfect sympathy with the principle embodied in the Bill, as I do not think any Parliament should be in the position of being in any way intimidated by outside authority. I was in doubt as to whether we had power under the Constitution to legislate in this manner, but, in view of the statement of the Minister for Repatriation, which has been based on the advice of the Crown Law officers, that difficulty does not now exist. Although I believe we are legislating in the right direction, I would like to know what power the Government consider they possess to enforce the law when it is on our statute-book. It is apparent that the Government must have some force behind an Act of Parliament to enable the legislation to become effective, and unless we have that what is the use of it?

Senator E. D. MILLEN.—It will have the same force as our other laws.

Senator THOMAS.—I take it then that the Commonwealth will need to have a police force to carry out its laws. At

present I believe that no such a force is in existence.

Senator FOLL.—We have a Commonwealth Police Force.

Senator THOMAS.—If we have, its numbers must be very few. In the absence of our own police, we will, as we have been compelled to do in the past, have to rely on the assistance of the Victorian Force. Since the inception of the Commonwealth Parliament we have had no cause to complain concerning the Victorian Force, because its officers have always been ready and willing to place men at our disposal when needed.

Senator E. D. MILLEN.—That is so.

Senator THOMAS.—The Victorian Government have treated us very well so far, I suppose, because they have been in sympathy to some extent with the actions of the Federal Government. They have always been ready to render such assistance as was required, but we have to realize that the time may be approaching when that assistance will not be forthcoming. The measure we are discussing furnishes, in my opinion, one of the strongest arguments that can be used in favour of moving the Seat of Government from Victoria to Canberra, as we have no right to be continually seeking the assistance of the State of Victoria. I would support this Bill more readily if we had a definite assurance from the Government as to the time when the Federal Parliament is likely to meet at Canberra, where we could have our own police to protect us.

Senator DUNCAN.—And be away from the savages.

Senator THOMAS.—I would not say that.

Senator WILSON.—We might become savages ourselves.

Senator THOMAS.—That is unlikely. The fact that these demonstrations are held outside this building, and that we have to seek assistance from the State, shows that there is every need for the change. It is quite possible that on some future occasion a hostile demonstration against the Federal Parliament may occur outside this building, and when the Victorian Government of the day might be in sympathy with its objects, in which case we could not expect much help. I hope the Minister for Repatriation, when replying, will make a definite statement

as to when it is proposed to move to Canberra.

Senator WILSON.—Why leave a good home?

Senator THOMAS.—Why not go to our own home, where we could have every comfort, and where there would be no need for legislation of this character?

Senator E. D. MILLEN.—The honorable senator must admit that there is an obvious attempt being made by some to side-step the provisions of the Constitution.

Senator THOMAS.—And there are others in Victoria that are keen on keeping a contract.

The PRESIDENT (Senator the Hon. T. Givens).—Order! The honorable member is not discussing the Bill.

Senator THOMAS.—If we were legislating at Canberra it is unlikely that hostile demonstrations similar to those which have recently occurred would take place. I hope the Minister for Repatriation will state definitely the proposals of the Government regarding Canberra, as it is very desirable that we should be legislating at the real Seat of Government, and where we would be away from undesirable influences.

Senator EARLE (Tasmania) [11.25].—I intend to support the Bill, but I do not want my support to be construed to mean that my action is intended to in any way curtail that freedom of speech and action which has been fought for and won by the people of Australia. I do not want to place any restriction on the reasonable and free discussion of public questions or on any matter which affects the welfare of the people. I realize, however, that it is most essential that the Parliament of any country should be absolutely immune from outside influence; but this may really be a two-edged sword, and may have the opposite effect to that which is intended. There may be honorable members in one branch or other of the Legislature who might be intimidated by hostile demonstrations outside concerning any action of theirs, and there may be some who would so resent an attempt at browbeating that under certain circumstances they would adopt the opposite course to that which they would otherwise take. It must be apparent to everybody that a Legislature such as this, which is making laws for the government of a na-

tion, should be absolutely free from any outside influence. I must admit that I did not know that there was not a law in our statute-book to prevent hostile demonstrations in the vicinity of this building, and I often wondered when organized demonstrations had been arranged by certain irresponsible people that more forcible means were not taken by the Government to suppress them. This measure is somewhat belated. The area mentioned by the Minister for Repatriation (Senator Millen) should be limited. I direct attention to the fact that in the Treasury Gardens, which is included within the boundaries indicated, there are suitable places in which public meetings could be held without interfering with Parliament in any way. Demonstrations held in the Treasury Gardens, for instance, would not interfere with the work of this Parliament any more than if they were held on the Yarra bank, and we should not do anything to interfere with the free discussion of questions of public interest. The area, as honorable senators will see, follows Spring-street to Wellington-parade, along Wellington-parade to the thoroughfare which divides the Treasury and Fitzroy Gardens, thence along to Albert-street and back to Spring-street.

Senator SENIOR.—There is plenty of room outside.

Senator HENDERSON.—Not to Albert-street, but to Gipps-street.

Senator EARLE.—That is so. In my opinion, it is desirable that the Treasury Gardens should be omitted from the prohibited area. I fail to see that a public meeting there would in any way interfere with the work of this Parliament. I should like the Minister to consider my suggestion, with a view to making the southern boundary of the prohibited area that street which runs past the Government buildings. Another point which is worthy of consideration is whether it is not advisable that we should delete the words in clause 3 of the Bill "for any unlawful purpose." What right has any body of people to hold meetings adjacent to Parliament House?

Senator DRAKE-BROCKMAN. — Sub-clause 2 of that clause defines an unlawful gathering.

Senator EARLE.—If the Bill affirms that meetings shall not be held within a

prescribed area there is no necessity for us to describe any meeting as "unlawful."

Senator FOSTER. — Suppose that a meeting were called to discuss a matter of national importance, in what more appropriate place could it be held than in the vicinity of the parliamentary buildings?

Senator EARLE. — In that case there would be no interference with it. We have many laws upon our statute-book which upon certain occasions are not enforced. But they may be enforced when required.

Senator WILSON. — Under this Bill, all meetings would be "unlawful" if they were held within the prohibited area.

Senator EARLE. — They might not be. The question would then arise as to what was the correct interpretation of an "unlawful" assemblage. These are the two questions to which I desire to direct the attention of the Minister. The main principle of the Bill has my hearty support.

Senator SENIOR (South Australia) [11.33]. — The introduction of this measure irresistibly reminds us of the earlier history of the life of Parliaments generally. Honorable senators will doubtless recall with considerable interest how frequently the Mother of Parliaments has been approached in much the same way as this Parliament has recently been approached. In the early days, before the Reform Bill, the British House of Commons was frequently approached by immense numbers of persons who desired to support petitions which had been presented to it. To-day such an act would be regarded as an attempt to overawe Parliament. Whilst, therefore, I am perfectly in accord with the purpose of this Bill, we need to be extremely careful lest we preclude the people who really make our Parliaments from freely expressing their opinions upon public matters other than through the medium of cold type. There may be occasions upon which more than twenty persons may desire to wait as a deputation upon a responsible Minister in Parliament in regard to some matter of public interest. This Bill may prevent them doing that, especially if it be unsympathetically administered. Honorable senators should recollect that we are enacting legislation

not merely for to-day, and that occasions may arise upon which this measure may prove a barrier to the expression of our own desires. I can recall many occasions upon which large deputations have approached the British House of Commons. Indeed, all kinds of methods have been adopted in approaching that body—methods which to-day would be regarded as decidedly objectionable. I do not think that any gatherings, similar to those which we have witnessed outside of this Parliament during recent years, are likely to have any effect upon a well-balanced mind. Indeed, they are calculated rather to antagonize than to influence one in their favour. Parliament should be free to conduct its deliberations with absolute freedom from coercion or attempts at intimidation. At the same time, we ought not to close every avenue of access to it except the medium of cold type. I can imagine that the time may come when some autocratic Government will be in power, and when we may be found pleading for that measure of liberty which, as British subjects, we have so long enjoyed. It is a dangerous thing to limit liberty merely because it sometimes degenerates into licence. We need, therefore, to be very cautious, lest we defeat the very object that we are seeking to attain. I had not the slightest sympathy with the demonstrations which have recently taken place outside of this Parliament. But I am jealous of the liberties which we enjoy as the result of the hard fights put up by our forefathers. Another point which is worthy of consideration is that this Bill, whilst imposing penalties for offences against it, provides no machinery for the enforcement of those penalties. In that respect it differs from many measures with which Senator Earle is familiar. It seems to me that the Bill has been hurriedly drafted, and that, as a result, it will probably fail to achieve its objective. I do not object to any body of individuals holding meetings, but it may be necessary to permit of public gatherings of more than twenty persons within the prohibited area.

Senator HENDERSON. — Not necessarily within the boundaries defined in the Bill.

Senator SENIOR. — I have attended a good many deputations to Parliament House, and so has Senator Henderson,

at which more than twenty persons have been present.

Senator HENDERSON.—This Bill will not affect them.

Senator SENIOR.—It is not unlawful assemblages that I desire to foster, but, at the same time, I do not wish to hamper lawful gatherings by imposing upon them restrictions of too arbitrary a character.

Senator WILSON.—But in the case of a meeting which was called for a legitimate purpose the Government would not exercise their powers under this Bill.

Senator SENIOR.—Surely my honorable friend does not desire to pass a measure which will be more honoured in the breach than in the observance. Who is to be the judge of whether a meeting is lawful or unlawful? From the point of view of the Minister it may be an unlawful one, whilst from the point of view of the populace, who wish to approach him, it may be a perfectly lawful one.

Senator HENDERSON.—The honorable senator wants the Bill, but does not want its provisions.

Senator SENIOR.—My honorable friend is not justified in drawing that conclusion. I want demonstrations of the kind we have recently witnessed outside of this building to cease. They are futile, and worse than futile. But, in our endeavour to suppress them, I do not want to deprive the people of that measure of liberty which, as British subjects, they have hitherto enjoyed.

Senator E. D. MILLEN.—Nowhere, except in this city, have the people the "liberty," as the honorable senator calls it, to gather round the steps of Parliament itself for the purpose of making a demonstration.

Senator SENIOR.—On that point I am in accord with the Minister, but he is now defining a much narrower limit than the Bill does. Looking through the crevice that the Minister is looking through, I see exactly the same perspective as he does, but looking through the Bill I find it has a much wider outlook.

Senator FOSTER.—Is it not usual for a Minister to indicate first whether he will receive a deputation or not? If he says he will, all right, but, if not, does it not immediately become an unlawful assembly if it forces itself upon him?

Senator SENIOR.—If some such definition were understood, even although not included in this Bill, I would be in agreement with the honorable senator. I simply call attention to the fact that, sometimes in our moments of haste, we do that which afterwards we have to undo, and to undo things we have done so short a period before makes it seem that our work is imperfect. I am in agreement with the design of the Bill to suppress unlawful assemblies in the immediate vicinity of this building, and for that reason I shall support it, but it must not be overlooked that, whilst we provide penalties, we have to depend upon others to enforce them.

Senator EARLE.—The Judiciary law of Victoria provides for carrying out Commonwealth law.

Senator SENIOR.—I shall be glad if the honorable senator will draw my attention to the particular Act which makes that provision.

Senator DE LARGIE.—What authority otherwise have we to get the police up here on any night on which they are required?

Senator SENIOR.—I took that to be an act of grace on the part of the Victorian Government, and not as due to any authority of this Parliament at all.

Senator EARLE.—All our laws would be useless without some such provision as I have referred to in the Judiciary Act of Victoria.

Senator SENIOR.—I have only the honorable senator's assurance that that provision exists, and am, therefore, justified in calling attention to what seems to be a weakness in the Bill. However, I do not wish to impede the passage of the Bill, because it is in some degree necessary, and I intend to support the Government in it.

Senator LYNCH (Western Australia) [11.48].—It is to be deplored that a measure of this kind is necessary, but, in view of recent happenings, it is plain that the business of this Parliament cannot be conducted as it should be unless some such precaution as this is taken. During my term in this Parliament I have seen occasions when members of the outside public have invaded the precincts of this building by forcing their way in, and have sought in the most threatening manner to frighten members into a sense of what they regarded as their public duty. I could understand that

being necessary at one period of our history, when Parliament was anything but a true reflex of public opinion. It was necessary in those days for a Cromwell, so to speak, to appear and to dissolve a Parliament that did not deserve the name. But, living as we do in this pure Democracy, I suppose the last word in democracy, where the people at recurring periods have the opportunity to send men to Parliament to give legislative effect to their views, and where those men have in turn to face the electors and render an account of their stewardship; living, I say, in a country and an age of that description, we can find no warrant, whatever, for the unseemly disturbances that have been noticed in the neighbourhood of Federal Parliament House lately. It is to be specially deplored, as has been mentioned by the Minister for Repatriation (Senator Millen), that members of this Parliament have by their presence and utterances aided and abetted those disturbances. I will go a step further, and say that a member of this Parliament who acts in that way entirely misconceives his position as a public man and his duty to the democracy of this country. My idea of a Democracy is that, no matter how backward or repellant or unpopular your individual view may be, you should have ample freedom to express it on all occasions, provided, of course, that to carry it into effect would not disturb the social order or interfere with the laws of the country. The modern idea of liberty seems to be that some men may take upon themselves to be keepers of other people's consciences, and unless your views coincide with theirs, the most effectual way they have of reasoning with you is to knock you on the head, or turn up in their numbers and try to compel you to share their views, and suffer the penalty which they are always only too ready to inflict upon you. It is a fell day for any Democracy when developments of that character occur. It prompts one to recall the saying of the old philosopher Aristotle, that the bane of Democracy was not the agents of privilege, nor the votaries of a privileged class, but the demagogues. I venture to say that there are some of that class in this Parliament to-day.

Senator FAIRBAIRN.—Not in the Senate.

Senator LYNCH.—I shall not draw a distinction between the two branches of

the Legislature. If we are to preserve the social order which has been gained for us by the good old fighters of the past, we need to take stern action against those who would undermine it and pull it down. The disturbances outside this Parliament have really been too frequent and too free, and call for stern action on the part of all genuine upholders and defenders of our democratic order. I would have some sympathy with those people who assemble outside this building if this Parliament represented only the city of Melbourne, but it is too often forgotten that it represents not only Melbourne and every other city of the Commonwealth, but the whole continent. For people in the immediate vicinity of Parliament to take it upon themselves to emulate the three tailors of Tooley-street is altogether unfair to those living further afield, who have just as much right to make their feelings known. We can all recall more estimable citizens in every sense of the word, living in other parts of Australia, than any single man who was in that meeting the other night. There are men living in isolated situations in Australia whom it would take five or six weeks to reach the steps of this Parliament. As it is not possible for them to come forward and represent their views here, it is out of place and out of date for the tailors of Tooley-street living in Melbourne to take it upon themselves to represent their views for them. Electors living in the north-west of Western Australia or the north of Queensland have little or no chance to come to this Parliament, yet Parliament is just as representative of them as it is of the men who live in the immediate vicinity of this building. If the whole 5,000,000 of our people would be so foolish as to assemble here to express their views to a Parliament just fresh from the hands of the electors, I could understand it, but when a mere remnant of the populace of Melbourne assembles here, and claims to represent the people of Australia, it is about time for this Parliament to draw the line. Let them stay away until they are authorized to express the views of the people of Australia. I support this measure, although, of course, I believe it will be met with opposition outside. The mere fact that it is necessary to introduce and pass such a Bill through this Parliament warrants us in assuming that it will be opposed outside. But I

draw the attention of those who will oppose it to the fact that the Parliament is the creation of the people every three years, and that the people have the opportunity of expressing their views through their representatives in Parliament in an orderly and intelligent manner. While that priceless gift is in the possession of the people they need no such outlet for their feelings as has been availed of on the steps of this building in recent times. This Parliament is, or ought to be, a true reflex of public opinion, and, therefore does not require to be overawed or stampeded.

Senator E. D. MILLEN (New South Wales—Minister for Repatriation) [11.56].—I am not at all surprised, but am naturally pleased, to find this measure received so approvingly by this Chamber; but one or two points have been raised to which I take the liberty of referring in reply. Senator Thomas and later speakers said that we should have to rely upon the State police authorities to carry the Bill into effect. That is perfectly true; but it is rather late in the day to raise that point; seeing that for nineteen years we have been passing laws with penalties, and have been dependent upon the State legal machinery to give effect to each and every one of them. Senator Senior will recollect many measures which he has helped to pass here, and which carry penalties, or make statutory offences with penalties attached, although we were entirely dependent upon the State police machinery for giving effect to them. Provision has been made to that effect in the Constitution. Section 5 of the Constitution provides—

This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the Courts, Judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State; and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth.

There is a general instruction to the Courts to observe our laws.

Section 120 is a little more definite—

Every State shall make provision for the detention in its prisons of persons accused or convicted of offences against the laws of the Commonwealth, and for the punishment of persons convicted of such offences, and the Parliament of the Commonwealth may make laws to give effect to this provision.

These provisions, and the fact that we have for nineteen years been passing laws relying upon the State police machinery to give effect to them, sufficiently meet the point raised by Senators Thomas and Senior.

I was unable to follow or appreciate the logic of Senator Thomas when he referred to that happy place of abode—the Federal Capital—which we are all longing to reach. He said he would support this measure the more readily if he had a definite assurance that we should be going there shortly. It seems to me that if we were going there shortly, the fact might be used as an argument to prove that we could muddle along without this Bill; but, whether we stay here a week, or a year, or ten years, I claim that we want the same measure of protection as is enjoyed, so far as I know, by every other Parliament. I am not prepared to give the definite promise which Senator Thomas seeks, except to say that when introducing the financial proposals for the year the Government will indicate the course of action proposed to be taken to redeem the pledge given under the Constitution itself.

Senator Earle not improperly raised the question as to whether this Bill might be interpreted as an effort, on the part of the Government, to interfere with freedom of speech. It does nothing more than is done by many other Bills. It does not seek to prevent any man saying what he likes. All that it declares is that a man shall not say these things within a certain area of Parliament House. Whether these people be haters of England or lovers of Germany; whether they be hot-headed irresponsibles, or cold calculating politicians, they may say what they will, so far as this Bill is concerned, but they must not say it here. There is, in fact, no check except the ordinary laws of the country upon liberty of speech at all beyond the area defined in the Bill. The Bill will not interfere with the right of any people to agitate as much as they like, but what it does say, is that they shall not become a nuisance to this Parliament.

Another matter raised was the question of our constitutional power. I have already dealt with that, but Senator Senior stressed the point, and I should like to draw attention to the authority

given in the Constitution, section 51 of which states—

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government with respect to:—

Then follows the thirty-eight matters in respect of which it is competent for this Parliament to legislate and—

(xxxix.) Matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.

I submit that the matter referred to in this Bill is clearly incidental to the execution of a power vested in this legislation. Parliament must be entirely free to discharge all the responsibilities intrusted to it. On this point, the most definite assurance has been given by the Crown Law officers.

Senator Earle also raised the question of the area. If honorable senators have any doubt as to the wisdom of the course adopted I suggest that they examine the map which I have had prepared setting out the area within which the assemblies referred shall not be permitted. They will then see that having regard to convenience of boundary as well as the purpose of the Bill, it would not have been possible to limit the area to any greater extent. It is a very considerable reduction on the area protected by the War Precautions Act. One reason why it was not possible to curtail it further was that the street suggested by Senator Earle as a boundary, and which would have shut out the Fitzroy Gardens, is, I understand, not a street or a proclaimed thoroughfare at all. We have, therefore, taken the proclaimed thoroughfares around the buildings concerned. I submit, further, that even if it were possible to exclude a few more yards than we have done, no very great hardship would be done, because the people who want to demonstrate have the whole of Victoria, and, indeed, the whole of the Commonwealth available to them, because we are making no great inroads upon those places at which they usually demonstrate. I feel sure, therefore, that the Senate will assent to the measure.

Question resolved in the affirmative.

Bill read a second time.

In Committee:

Clauses 1 and 2 agreed to.

Clause 3 (Prohibition of unlawful assemblies).

Senator E. D. Millen.

Senator FOSTER (Tasmania) [12.7].
—I notice that the penalty prescribed is a fine of £100, or six months' imprisonment, or both. Is it not possible to allow a magistrate discretion to impose smaller fines for technical breaches of the Act?

Senator E. D. MILLEN (New South Wales—Minister for Repatriation) [12.8].
—I can quite understand the honorable senator's difficulty. No doubt he is unaware that for convenience the Federal Parliament, in an earlier measure, has provided that the penalties mentioned in any Act are to be regarded as the maximum penalties, and, therefore, the magistrates may, at their discretion, impose lighter penalties for minor offences.

Clause agreed to.

Clauses 4 and 5 and title agreed to.

Bill reported without amendment; report adopted.

Standing and Sessional Orders suspended.

Bill read a third time.

ARBITRATION (PUBLIC SERVICE) BILL.

In Committee (Consideration resumed from 29th July, *vide* page 3074):

Clause 12—

(1) The Arbitrator shall, subject to the provisions of this section, determine all matters submitted to him relating to salaries, wages, rates of pay, or terms or conditions of service or employment of officers and employees of the Public Service.

(2) Any organization shall be entitled to submit to the Arbitrator by memorial any claim relating to the salaries, wages, rates of pay, or terms or conditions of service or employment of members of the organization.

(5) If any objection is lodged, the Arbitrator shall call a conference and following upon such conference shall, after hearing such evidence (if any) in respect of such matters as have not been agreed to at the conference, as the Arbitrator thinks necessary, determine the claim.

(7) The Commissioner, or the Minister of any Department of State affected by any determination of the Arbitrator may submit to the Arbitrator an application to vary the determination wholly or in part. The Arbitrator shall forward a copy of the application to the organization affected by the application, and to the Minister of the Department of State affected if the application to vary has been made by the Commissioner, or to the Commissioner if the application to vary has been made by the Minister of the Department affected.

Senator PEARCE (Western Australia—Minister for Defence) [12.11].—When a previous clause was under discussion, Senator Drake-Brockman raised a question which is affected by this clause also, and I am afraid, in replying, I was under a misapprehension. The honorable senator asked whether it was clear what organizations could have access to the Arbitrator, and I drew attention to the definition clause. As that matter affects this clause also, I asked leave to report progress, so that I might be fully informed on the point. The Crown Law officers advise as follows:—

The point has been raised as to whether the Bill covers persons employed on the Commonwealth Railways, in the Harness Factory, and persons employed in connexion with shipbuilding operations carried on by the Commonwealth. "The Public Service" is defined as including "the Public Service of the Northern Territory and the Territory for the Seat of Government, and the service of any public institution or authority of the Commonwealth," and "all persons employed in any such service . . . whether under the Commonwealth Public Service Act 1902-1918 or not . . ." This definition is exactly the same as that appearing in the present Arbitration (Public Service) Act 1911.

In my opinion, the words "Public institution or authority of the Commonwealth" would include the Commonwealth Railway Service, the Government Harness Factory, and ship-yards carried on by the Commonwealth. If this interpretation is correct, there is no doubt that the Bill covers the persons referred to.

In regard to persons employed on Commonwealth Railways, there is another ground for holding that they are covered by the Bill. The Commonwealth Railways Act 1917, section 47, enacts that the Arbitration (Public Service) Act shall apply to the railway servants. Clause 11 (5) of the Bill provides that any reference in any Act to the Arbitration (Public Service) 1911 Act shall be read as a reference to the Bill. It is quite clear, therefore, that the Bill applies to the railway service.

Although the employees on the Commonwealth Railways and in the Harness Factory are entitled to form associations and to become registered under the Arbitration (Public Service) Act, I understand that they have not largely availed themselves of this right. Apparently, most of them prefer to belong to large associations such as the Australian Workers' Union, the Federated Engine-drivers' and Firemen's Union, and the Saddlers' Union, which are registered under the ordinary provisions of the Commonwealth Conciliation and Arbitration Act.

I am sorry that, the question being sprung upon me in Committee, I was not fully informed upon the point, and, to some

extent, misled the Committee. However, it is within the competence of the Committee to deal with this matter, which affects the whole of the Bill. It is only right that the Committee should know that the Bill also covers those industries carried on by the Commonwealth as part of the Commonwealth Service.

Senator SENIOR.—Will it also cover the Government Service in Papua or Norfolk Island?

Senator PEARCE.—Not at present, because they are not in the Public Service, but in the amending Public Service Bill to be introduced they will be included, and, therefore, will be affected by this Bill.

Senator DUNCAN.—As well as those branches of the Public Service that are already covered by existing awards obtained by outside organizations?

Senator PEARCE.—Not all of them. Some are covered by awards obtained under the Arbitration (Public Service) Act, and some by awards obtained in the Arbitration Court.

Senator DRAKE-BROCKMAN.—Then we do get the difficulties referred to by Senator Duncan in regard to men in the Service belonging to large organizations outside.

Senator PEARCE.—My answer to that is that we have had experience of the operation of the existing law since 1911, and no difficulty has arisen which it was not easily possible to overcome.

Senator DRAKE-BROCKMAN.—That is because they all went to the one Court.

Senator PEARCE.—No; they went differently to either Court.

Senator DRAKE-BROCKMAN.—Under this Bill, they must go to the Court provided by this measure.

Senator PEARCE.—Not necessarily. Some went to the general Court of Arbitration, and others to the Court established under the Arbitration (Public Service) Act, but the Commonwealth Government laid it down as a principle that, in the Public Service, they would obey Arbitration Court awards. If an organization obtained an award affecting the employees in one of our Government factories in the general Court of Arbitration, the Government would obey that award. So far no practical difficulty has been experienced.

Senator SENIOR (South Australia) [12.17].—I direct attention to sub-clause 5 of clause 12 under which it is provided

that the Arbitrator, having called a conference, shall—

after hearing such evidence (if any) in respect of such matters as have not been agreed to at the conference, as the Arbitrator thinks necessary, determine the claim.

It is apparent from this that the Arbitrator can exclude evidence which he does not think necessary. This makes him the absolute judge of the evidence to be tendered. There must be evidence tendered by both sides, or there can be no trial. I think the sub-clause requires some modification, and the Arbitrator might be given the power to exclude irrelevant evidence.

Senator DRAKE-BROCKMAN.—He may not be a lawyer.

Senator SENIOR.—That is so. Under the provision to which I take exception, the Arbitrator may exclude evidence which those presenting it may consider relevant and necessary to inform his mind.

Senator DUNCAN.—It would be dangerous to allow complainants to bring forward whatever evidence they pleased, whether in the opinion of the Arbitrator, it was relevant or not.

Senator SENIOR.—My honorable friend will see that, by parity of reasoning, it is equally dangerous to give the Arbitrator power to exclude whatever evidence he pleases.

Senator DUNCAN.—I agree that it cuts both ways.

Senator SENIOR.—With the general tenor of the provision I agree, but I think it requires modification.

Senator DUNCAN.—If either side did not desire the settlement of a claim, they might submit all kinds of evidence in order to delay a settlement.

Senator SENIOR.—That is true; but unless the evidence presented is irrelevant to the case, I do not think that the Arbitrator should have the power to say that he will not hear it.

Senator DUNCAN.—We must give someone the power to decide what is relevant evidence.

Senator SENIOR.—We may very well assume that the Arbitrator will not be a lawyer, and he may exclude evidence absolutely necessary to prove the case of either side. Unless it is clear that evidence is being presented for the purpose of obstruction, I think the Arbitrator should be obliged to hear it. If the Arbitrator is to determine the matter sub-

mitted to him, it must be upon the evidence presented, and under the powers given him in this clause, he may exclude evidence, which ought to be received if he is to arrive at a just decision.

Senator HENDERSON (Western Australia) [12.22].—Before the Minister for Defence (Senator Pearce) attempts any explanation of this matter, I wish to express my belief that it is a highly dangerous thing to give an Arbitrator the power which this provision would confer. I have had a considerable amount of experience in Arbitration Courts. I have conducted a few cases in my time, but I have never appeared in any Court in which the Judge had the power to say what evidence I should present in support of my case. The Judge, of course, had the power to say whether the evidence I did present should influence his judgment. The Arbitrator may not have a personal knowledge of the matter with which he is called upon to deal. He may be absolutely ignorant of technicalities associated with it, and without any desire to act wrongfully, he may, because of his ignorance of the conditions of labour of those responsible for a plaint, exclude evidence which might be the pivot upon which the question at issue should be decided. I think that the latter part of sub-clause 5 should be amended to read—

The Arbitrator after hearing evidence (if any) in respect of such matters as have not been agreed to at the conference, determine the claim.

A case is in dispute between two parties, and the Arbitrator is then called in.

Senator PEARCE.—No; the Arbitrator holds a conference first, and then hears evidence on points upon which the conference does not arrive at an agreement.

Senator HENDERSON.—He holds a conference, and then no matter what the conference may decide, he is given the power under sub-clause 5 to reject certain evidence. I consider that a dangerous power which the Arbitrator should not possess.

Senator PEARCE (Western Australia —Minister for Defence) [12.27].—Senators Senior and Henderson have raised the question of the power of the Arbitrator to hear such evidence as he thinks necessary. Senator Senior suggests that the Arbitrator should have the power to exclude irrelevant evidence. Do I quote the honorable senator correctly?

Senator SENIOR.—Yes.

Senator PEARCE.—Who is to be the judge of relevancy? Obviously, it must be the Arbitrator, and that brings us back to the same position. The effect is the same whether the Arbitrator says, "I do not think this evidence will assist me, and therefore I do not propose to hear it," or "I do not think this evidence is relevant, and therefore I do not propose to hear it." I direct attention to the fact that all Courts exercise this power, even where it is not conferred upon them by Statute. A Judge may say, "I consider this evidence irrelevant," and order counsel to desist from presenting it.

Senator DRAKE-BROCKMAN.—There is no provision for counsel here.

Senator PEARCE.—No; but there will be an agent representing the organization, and another representing the Government. The provision will cut both ways. I am informed that already one case has occurred in which the Government suffered in this connexion. The persons representing the Government at the hearing of one case desired to bring before the Court the effect of a certain judgment upon the country at large in the matter of revenue and expenditure, and the Court prevented him giving such evidence. The Judge said that that was a matter for Parliament, and not for the Court to deal with. This power must be vested in some one. We must give the parties to the case the right to bring as much evidence, and evidence of any kind they please, before the Court, or we must make some one the judge of the evidence to be presented to the Arbitrator. Obviously we cannot constitute the parties to a case the judges in such matters, and the discretion must be left to the Arbitrator. To say that the Arbitrator would exclude evidence pertinent and relevant to a case is to not only say that he would be willing to make himself unpopular, but that he would show himself quite unfitted for his position. He has to seek re-appointment, and it is not likely that he would do any such thing. He would, for his own assistance, naturally desire to hear any evidence that would be likely to aid him in coming to a determination. He has already had these matters discussed before him with the representatives of the two parties at the conference. They have covered the whole field, and have come to an agreement on certain points, and have failed to agree on others.

On the latter, he proceeds to hear evidence, and he is to be the judge of what evidence is to be submitted, and whether the case is to be kept within reasonable limits. There must be some limitation, and an attempt made to prevent stonewalling, as it must be admitted that Parliament is not the only place in which that occurs. Some one must have the power to exclude irrelevant evidence.

Senator THOMAS.—Do I understand that lawyers can be present if both sides agree?

Senator PEARCE.—That is not permissible.

Senator THOMAS.—If it were, it would go on for ever.

Senator PEARCE.—When it is a question of going on indefinitely, I do not think it is lawyers alone who are to blame. I believe the provision is for the benefit of both parties; it is the best means of arriving at a speedy settlement, and prevents either party introducing extraneous matter.

Senator FOSTER.—Do we understand that the Public Service Association is quite satisfied with the Board of Management without an Arbitrator?

Senator PEARCE.—I understand that the Association is not satisfied with a Board alone, and that it desires to have the right to appeal from the Board to an Arbitration Court of some kind. I am not prepared to say whether it is satisfied with this particular Court.

Senator SENIOR (South Australia). [12.32].—The evidence is restricted, not as the Minister for Defence (Senator Pearce) points out, at the finding, but at the conference.

Senator PEARCE.—No, but following upon a conference.

Senator SENIOR.—The provision states: "following upon such conference shall, after hearing evidence".

Senator PEARCE.—He hears evidence after the conference. What is the use of taking evidence on matters that have already been agreed upon at a conference?

Senator SENIOR.—Take the position when it is narrowed down to the points that have been agreed upon.

Senator PEARCE.—After a conference.

Senator SENIOR.—The conference narrows the question down to what the two parties are agreed upon, and the whole question may turn upon the wages, hours, and conditions of labour. The

Arbitrator may have got them to consent to the hours of labour and the wages they will receive, but he may not be acquainted with the conditions under which they labour. He may exclude that evidence because he does not see that it is necessary, and he is made the judge of whether it is necessary or not. One party to the case may be prevented from bringing forward certain evidence.

Senator PEARCE.—Every one of the points will be raised in the plaint lodged by the association, and when the plaint is lodged the Arbitrator has to arrive at a decision on those points. He only hears evidence on the points in the plaint not agreed upon at the conference.

Senator SENIOR.—The plaint may refer to rates of wages, hours, and conditions of labour. Wages and hours may be determined at the conference, but when it comes to hearing evidence it is confined to the conditions under which the men labour. The Arbitrator may not be acquainted with the nature of the work in which the men are engaged.

Senator PEARCE.—Is it reasonable to assume that if he was not acquainted with the conditions, he would come to a determination without hearing evidence?

Senator SENIOR.—It is not a question of assumption. We are giving him the power to include or exclude certain evidence.

Senator DUNCAN.—He would be very careful, as it would be too good a job to lose.

Senator SENIOR.—If there is any strength in that argument which has been referred to not only by Senator Duncan, but also by the Minister for Defence, we have to assume that the Arbitrator will have to make it his main business to look after the interests of those who will be in a position to re-appoint him.

Senator THOMAS.—That was a weak link in the Minister's argument.

Senator SENIOR.—It is a weak link on either side. Are we to believe that the Arbitrator will hear all kinds of evidence because he is anxious to keep his job? Has the Minister for Defence a biased man in his mind? We must dismiss such a suggestion from our thoughts, and see that a man is appointed who is prepared to act fairly. No one, however perfect, is able to arbitrate on all questions. We may have

an Arbitrator who will recognise that the hours are excessive and the wages inadequate, on which points the conference will agree, but the conditions under which the men labour will still have to be settled. The Arbitrator may be trained in such a way as to be able to arbitrate in certain directions, but he may not be in a position to judge concerning the conditions of labour as placed before him by the claimant organization. He may consider that he is in a position to say that evidence submitted is unnecessary, and under the powers conferred upon him will exclude it.

Senator EARLE.—Has not every Judge of the Supreme Court the power to exclude irrelevant evidence?

Senator SENIOR.—If we place that power in the hands of a Judge, does it mean that we should give it to one who is not a Judge, or even a justice of the peace? Are we to give the Arbitrator power to say what evidence he will receive and what he will not? He may hear evidence from one side only?

Senator EARLE.—How long would an Arbitrator last if he adopted such an attitude?

Senator SENIOR.—Again the question arises of allowing the man to keep his job. When an Arbitrator has heard evidence he has a perfect right to say that certain information submitted will be disallowed when he is coming to a decision.

Senator J. D. MILLEN.—He might only hear one case in seven years.

Senator SENIOR.—That does not matter. He has a perfect right to dissect the evidence and say what will be allowed when he is giving judgment. He has no right to exclude evidence which is important.

Senator EARLE.—If he is to be given the right to ignore evidence, why not give him the right to exclude it?

Senator SENIOR.—Would Senator Earle be in favour of giving the Arbitrator power to say that he would not open the Court because he has the power to exclude evidence? Both sides must have the right to place their case as they see it, and the Judge should hear evidence from both, and then come to a decision.

Senator FOLL (Queensland) [12.42].—I understood the Minister for Defence (Senator Pearce) to say, by interjection, when Senator Senior was speaking, that the members of the Public Service desired an Arbitrator to whom they could appeal from any decision given by the Board; but, so far as I can gather, claims cannot be submitted to the Board, but only to the Arbitrator.

Senator PEARCE.—The Board will, first of all, fix the salaries and conditions of labour, and then, if the organization is not satisfied, it will appeal to the Arbitrator.

Senator FOLL.—The Bill does not state that the Board shall have power to deal with such cases.

Senator PEARCE.—That is in the other measure.

Senator FOLL.—If certain rates of wages are fixed by the Board and a plaint is lodged by any particular section of public servants for increased salaries, the plaint is lodged with the Arbitrator and not with the Board.

Senator ROWELL.—Does not the honorable senator think they would ask the Board first?

Senator FOLL.—It is not necessary to do so, because this Bill gives any organization the right to go over the head of the Board to the Arbitrator—not to appeal from any decision previously given by the Board. I was under the impression when the two Bills were brought before the Senate that when the Arbitrator was appointed he was to deal solely with appeals from the Board, but sub-clause 2 of clause 12 states—

Any organization shall be entitled to submit to the Arbitrator by memorial any claim relating to the salaries, wages, rates of pay, or terms or conditions of service or employment of members of the organization.

Senator WILSON.—Then why have a Board?

Senator FOLL.—There does not appear to be any necessity for the two, and unless some strong reasons are given an Arbitrator should not be appointed, or a different arrangement should be made. So far as I can judge, the Board will be totally ignorant of the rates of pay and working conditions. The Minister for Defence, when introducing another Bill relating to the Public Service, pointed

out the necessity of having a Board to conduct our Public Service, and referred to the duties of the Board. It appears, however, that the proposed Board will have no power at all, and that when dissatisfaction exists in any particular Department the employees will not go to the Board of Management appointed by the Government—referred to by the Minister as the actual employer—but to the Arbitrator.

Senator ROWELL.—What is the general practice?

Senator FOLL.—It is not a question of the general practice. The appointment of a Board of Management is something that is entirely new.

Senator THOMAS.—Under the Public Service Bill we shall merely have three Commissioners instead of one.

Senator FOLL.—The appointment of an Arbitrator to deal exclusively with Public Service cases is also a new departure. It is only reasonable that the Minister should agree to postpone the consideration of this clause in order that we may be afforded an opportunity to study it more closely.

Senator THOMAS (New South Wales) [12.47].—I am unable to agree with the arguments which have been presented by Senator Foll. Under this Bill we shall be following precisely the course that we have followed previously. At the present time the Public Service Commissioner determines the salaries to be paid to officers, and also their hours of labour and working conditions, and until recent years his decision upon these matters was absolutely final. Some years ago, however, Parliament, in its wisdom, gave our public servants the right to appeal to the Arbitration Court for a redress of their grievances. But they did not go to that tribunal until they had first endeavoured to come to terms with the Public Service Commissioner. The Board proposed to be constituted under the Public Service Bill will do exactly what the Commissioner has done hitherto. It will fix the salaries to be paid, and determine the working conditions of our public servants, and if the latter are satisfied with its decisions so much the better. But if they are not satisfied I have no doubt that deputations from their various associations will wait upon the Board in an endeavour to obtain concessions. The Board may agree to grant those concessions, but on the other

hand its members may say, "Having gone into the matter we cannot do more than we have done." Then the public servants who feel aggrieved will approach the Arbitrator just as hitherto they have gone into the Arbitration Court.

Senator FOLL.—This clause does not say that.

Senator THOMAS.—Surely the civil servant is as intelligent as is the man outside.

Senator WILSON.—He may be too intelligent.

Senator THOMAS.—It will cost the public servants a certain amount of money to get their cases before the Arbitrator. If they can get their grievances remedied by approaching the Board they will avoid that expenditure, and consequently it is only reasonable to assume that they will adopt that course of action. The reason why our public servants have appealed from the decision of the Public Service Commissioner to the Arbitration Court is because they have thought that the Commissioner was paying more regard to the need for making the Departments pay than he was to the question of whether adequate salaries were being paid to them, and whether the conditions of their employment were satisfactory. The Board of Management to be appointed may take up an exactly similar position. Personally, I shall be very glad if the Arbitrator has nothing whatever to do. This clause merely gives to the civil servants of the Commonwealth the same opportunity of going before the Arbitrator as the miner has of going before the Arbitration Court to-day. Before resorting to that step the miner naturally approaches either the mine manager or the board of directors and says to them, "Cannot you give me an extra 1s. per day and less hours of work?"

Senator J. D. MILLEN.—The honorable senator has had no experience of miners.

Senator THOMAS.—I have had a little experience of them. In Broken Hill the miners have waited upon the Mine Managers' Association in an endeavour to come to terms, before going to the Arbitration Court. Indeed, I have never heard of a case in which a body of men appealed direct to the Arbitration Court. They have always conducted negotiations in a preliminary attempt to arrive at an amicable settlement of their grievances. Of course there may be some direct actionists in the community, but

these individuals will not go to the Arbitration Court in any circumstances. Men who are willing to approach that tribunal will always endeavour to meet their employer first, and to discuss their grievances with him. Under this Bill, the Board of Management to be appointed to control our Public Service will fix the salaries and the hours of labour of the officers of that Service.

Senator FOSTER.—But, under this clause, the Arbitrator must first call a conference between the employees and the Board.

Senator THOMAS.—He must do everything that he can to bring about a settlement of any dispute by means of conciliation. I cannot imagine that any association of public servants will refuse to discuss its grievances with the Board of Management before approaching the Arbitrator. When he is approached, the Arbitrator will have to decide whether the claim put forward is just or otherwise. Suppose he says that the wages and the working conditions fixed by the Board are those which are just and desirable.

Senator WILSON.—He can veto the whole of those things.

Senator THOMAS.—But the Board must first fix the wages to be paid.

Senator J. D. MILLEN.—The public servants may get before the Arbitrator by means of a memorial if they wish to do so.

Senator THOMAS.—This Bill will not deprive our public servants of the right to submit their cases to the Arbitrator. If they are foolish enough to go to him direct, they will be at perfect liberty to do so.

Senator PEARCE.—But their wages and hours and conditions of labour are already fixed, and the Board of Management will accept the conditions which obtain at present.

Senator THOMAS.—Exactly. It is quite open to question whether the three members of the proposed Board will do any better than will one man. Upon the Board there is bound to be one man who is abler than his colleagues, and, if he is appointed chairman, he will practically run the Board. Consequently, under this Bill, we are merely appointing an Arbitrator in lieu of the Arbitration Court.

Senator FOLL (Queensland) [12.57].

—I can quite understand that a conservative mind like that of Senator Thomas is bound to be in opposition to a progressive mind like my own. However, I feel obliged to the honorable senator for having confirmed the view which I expressed yesterday in regard to the two Bills dealing with the Public Service that have already been submitted to us. He has stated that, under the amending Public Service Bill, instead of having one Public Service Commissioner, we are about to incur the expenditure that will be involved in the appointment of three Commissioners. He has also pointed out that, under the Bill which we are now discussing, instead of our public servants going before the Arbitration Court in the ordinary way, they are to be given a Court exclusively their own. Consequently, all the promises made by the Government in respect of industrial reform—

Senator THOMAS.—That is a different matter entirely.

Senator FOLL.—If the Government are so anxious to bring forward a system of industrial reform, surely they have an excellent opportunity of doing so now. Only last night, the Prime Minister (Mr. Hughes), in another place, dealt with this very question of industrial reform. He went to considerable trouble to show that the present system of arbitration was wrong. Yet in the two Public Service Bills which have been presented for the consideration of this Chamber, we are asked to adopt the same old system which the Prime Minister himself has condemned. If the new method of settling industrial disputes which he outlined last evening is an ideal one, the Government will be acting wisely if they introduce it into our Public Service. Surely they should put their own house in order before dealing with the houses of other people.

Senator EARLE (Tasmania) [12.58].

—As one who listened to the speech made by the Prime Minister (Mr. Hughes) in another place, I cannot admit that he condemned the principle of arbitration, as has been suggested by Senator Foll. What the right honorable gentleman did say was that the arbitration system had not proved the success which had been

anticipated. He pointed out that it had not proved a panacea for industrial strife, though it had achieved a vast amount of good. The Bill which we are now considering merely seeks to further the principle of conciliation without abandoning the principle of arbitration. The contention of honorable senators opposite is that, without consulting either the responsible officers of the Public Service or the Board of Management which is to be appointed, the associations within the Service may appeal direct to the Arbitrator. It has been argued that the adoption of such a course would injure the discipline of the Service. That may be so. But would not the objection of honorable senators be met if sub-clause 2 of clause 12 were amended so as to make it read—

Any organization having failed to obtain satisfaction from the Commissioner—

Senator FOLL.—This Bill will come into operation before the proposed Board of Management for the Public Service is constituted.

Sitting suspended from 1 to 2.30 p.m.

Senator EARLE.—It has been suggested to me by Senator Elliott that the insertion of the words "having a dispute with the Commissioner," after the word "organization," would be more acceptable. I have no objection to substitute those words for those I put forward, as they will get over the difficulty in which some honorable senators seem to find themselves. They seem to think that the different organizations within the Public Service might ignore the Commissioner, or the Board which is to be appointed, and go direct to the Arbitrator for the settlement of their grievances, and it is the general wish of the Committee that there should be an opportunity for organizations to obtain redress and satisfaction from the Commissioner, or the Board, before the interference of the Arbitrator is invoked. I move—

That after the word "organization" in sub-clause (2) the words, "having a dispute with the Commissioner" be inserted.

Senator PEARCE (Western Australia—Minister for Defence) [2.33].—The words proposed by Senator Earle are superfluous. The procedure is set down in somewhat different terms in the Act now

in operation, section 5 of which provides—

An organization of employees in the Public Service of the Commonwealth, shall be entitled to submit to the Court by plaint any claim relating to the salaries, wages, rates of pay, or terms or conditions of service or employment of members of the organization, and the Court shall thereupon have cognisance of the claim as if it were an industrial dispute within the meaning of the Commonwealth Conciliation and Arbitration Act 1904-1911.

Under this Bill, the very fact that the memorial is presented to the Arbitrator is an indication to him that the organization is dissatisfied with existing rates of pay and conditions of service. In every branch of the Service there are rates of pay and conditions of service in existence. These things are not going to be originated. The Board of Management, or the Commissioner, is the custodian of those existing rates and conditions. An organization may go to the Commissioner, and ask that certain changes be made. The Commissioner may do what it asks wholly or in part, or refuse to do it. If, when that decision is given, the organization is dissatisfied, it approaches the Arbitrator by means of a memorial. The procedure is already provided for. If the amendment now proposed is made, it will be necessary to include in the Bill a definition of "dispute." There is an interpretation of "industrial dispute" in the main Arbitration Act.

Senator FOLL—At the present time, does an organization notify the head of its Department that it is filing a plaint in the Court?

Senator PEARCE.—I am not aware whether that is done or not, but I think it is done as a matter of procedure. A number of law cases have arisen out of the definition of "industrial dispute," and it is not desirable that we should complicate this legislation any more than is necessary. If the organization does not lodge a memorial, it is to be assumed that it is satisfied with the pay and conditions offered. If it does lodge a memorial, the Arbitrator must take notice of it, and follow the procedure laid down. I ask the Committee not to accept the amendment.

Senator ELLIOTT (Victoria) [2.37].—I feel strongly that the words proposed by Senator Earle ought to be inserted. The desire expressed in all quarters is to bring employers and employees together, and not to separate them. The amend-

ment would insure to some extent that the Public Service employees would go before the Commissioner, or Board, and submit a claim. It is desirable to provide that they shall not go to the Arbitrator unless they fail to get satisfaction in that way first.

Senator FOSTER (Tasmania) [2.38].—There is a feeling amongst honorable senators that the public servants should not go direct to the Arbitrator without having first endeavoured to come to terms with the Commissioner, or Board, by means of a round-table conference. The point was raised this morning that the Arbitrator could only call a conference after an objection was raised; but there is some misconception on the part of some honorable senators on the question of whether a conference would be called on all occasions before the Arbitrator proceeded to take evidence, and practically set up an Arbitration Court. An objection can only be raised by the Minister or Commissioner, and in that event a round-table conference must first be called. Then, I take it, the opportunity would be given to the Minister, or Commissioner, to put his views before the organization affected. This would give an opportunity for an understanding to be arrived at, which might obviate the necessity for any appeal to the Arbitrator. There is no need, so far as this sub-clause is concerned, to talk about having a dispute, because there would be no dispute if the claimant organization asked for certain things, and no objection was raised by the Minister or Commissioner. If the latter objected that the claim went beyond the means at the disposal of the Government, a round-table conference would first have to be called by the Arbitrator before the matter went to him for settlement. For that reason, I cannot agree to the amendment.

Senator KEATING (Tasmania) [2.41].—If sub-clause 2 is passed as it stands, I have not the slightest apprehension that public servants in any part of the Commonwealth will at any time go straight to the Arbitrator. If they want an increase in their payments, or an improvement in their conditions, they will do as they have done up to the present—make the application in the first instance to those immediately in authority above them. That application will go to the Commissioner, or Board, and it will only be when the public servants do not succeed in impressing the Commissioner with

the justice of their claim that they will resort to the Arbitrator. That is the procedure and practice of to-day. It is common sense. An additional inducement to follow that course in the future is contained in the later provision in the Bill, that no costs incurred in connexion with arbitration shall be recoverable. Senator Thomas pointed out that public servants cannot go to the Arbitration Court without incurring costs and expenses, and I do not think that in any circumstances resort will be had to the Arbitrator unless they have failed to secure from the authorities immediately over them what they have asked for. For that reason the proposed amendment is unnecessary. It is also undesirable for the reason given by the Minister (Senator Pearce), that it will necessitate the insertion of a definition of the word "dispute." What would be a dispute?

Senator EARLE.—A disagreement.

Senator KEATING.—Whatever the word is, it will have to be defined. A claimant organization may approach the Commissioner with certain requests, and the Commissioner may say, "Those requests are reasonable enough, and I do not dispute their justice; but just at present the Government are so pressed with certain other matters that it is impossible to do more than promise early and favorable consideration." The claimant organization may then go to the Arbitrator, but the other side may urge, "There is no dispute at all; we quite agree as to the justice of the requests, but there are other circumstances which prevent us from considering them favorably just at present." Immediately we proceed to define a dispute or a state of disagreement, we open up the possibility of making this arbitration tribunal a place where we shall not get the speedy finality which we all desire.

Senator ELLIOTT.—There is no appeal, and there cannot be any argument about it. If the Arbitrator says it is a dispute, then there is an end of it.

Senator KEATING.—Then, what is the use of putting in these words? The honorable senator has given an additional reason why the amendment is superfluous.

Senator EARLE (Tasmania) [2.45].—I have not heard any sound reason why the amendment should not be adopted. I realize, along with other honorable senators, that the general policy will be

to negotiate with the Board in order to bring about a settlement of any disagreement before an appeal is made to the Arbitrator; but I judge, from the tone of the debate, that there is a general belief that organizations within the Public Service will be encouraged by this measure to ignore the Board and go direct to the Arbitrator, and I have suggested a means by which this course may be obviated without loading the Bill to any extent whatever. Senator Keating's argument has convinced me of the wisdom of excluding gentlemen of the legal profession from any of the proceedings before the Arbitrator, because, after all, there cannot be any doubt as to the interpretation of the word "dispute." A dispute must be a disagreement between two persons. Sub-clause 2 with the inclusion of my amendment, will read as follows—

Any organization having a dispute with the Commissioner shall be entitled to submit to the Arbitrator by memorial, any claim relating to the salaries, wages, rates of pay, or terms or conditions of service or employment of members of the organization.

Organizations will have to show that they are dissatisfied with an attempt to bring about an agreement, before they approach the Arbitrator. The inclusion of the two or three words I have suggested cannot possibly do any harm.

Senator KEATING.—You might as well summon a man for an amount owing before sending him an account.

Senator EARLE.—That might be done, but I do not think there will be an appeal by an organization to the Arbitrator before negotiations for redress of grievances have been carried on with the Board.

Senator PEARCE (Western Australia—Minister for Defence) [2.50].—In order to clear away any doubt that might be in the minds of honorable senators, let me point to the procedure under section 50 of the Public Service Act—

Any officer (except officers of the Parliament) affected by any report or recommendation made or action taken under this Act other than a report or recommendation made or action taken under sections 31, 46 to 49 inclusive, 65, 66, and 73 thereof may, in such manner and within such time as may be prescribed, appeal to a Board consisting of an inspector, the chief officer of the Department to which such officer belongs, or an officer nominated by such chief officer and the representative of the division to which such officer

belongs, elected under the regulations by the officers of the division to which such officer belongs in the State in which such officer performs his duties. The Board shall hear such appeal and transmit the evidence taken, together with a recommendation thereon, to the Commissioner, who shall thereupon determine such appeal.

The Commissioner at present has power to fix salaries and wages of the professional and general divisions, to deal with new appointments, promotions, matters affecting length of service, vacancies, transfers, examinations, and conditions generally. In regard to all these matters there is provision in the Public Service Act for appeal, not to the Commissioner, but to a Board upon which officers of the Public Service are represented.

Amendment negatived.

Senator LYNCH (Western Australia) [2.55].—So far as I can ascertain, the clause contains no provision for the Board or Minister to approach the Arbitrator direct for an alteration of any determination. The whole structure of the clause is based upon the assumption that dissatisfaction as to rates of pay and conditions of employment will exist only on the one side, namely, the employee. This is, strictly speaking, an Arbitration Bill, and it should contain some machinery to facilitate approach to the Arbitrator by the Board as well as the organizations, because awards made during a time of prosperity or when conditions are abnormal, as at present, may be unwarranted on some future occasion when the cost of living shall have receded to the normal level.

Senator J. D. MILLEN.—The Board can take action direct without going to the Arbitrator, and the organization, if dissatisfied, may then appeal to the Arbitrator.

Senator LYNCH.—There is another point. I notice that cases will originate by way of claim or memorial from employees. Now, any such memorial must be the outcome of a feeling of discontent, eventually inducing the employees to approach the Board for an adjustment of grievances, and I can easily imagine the time when the Arbitrator will be deluged with appeals, because experience teaches us that a favorable award leads to a very great deal of additional business.

Senator J. D. MILLEN.—It is a good advertisement.

Senator LYNCH.—That is so, and under these circumstances it is necessary that only *bonâ fide* applications be allowed. I suggest that special provision should be made to insure that any complaint is indorsed by the general body of workers belonging to an organization. We should not leave it to any set of officials to voice the feelings of the organization. Some of us are aware that there is frequently a number of operatives in a trade union who never go to a meeting of the union from one end of a year to the other. They leave the control and policy of the union entirely to a set of officials, and very often those officials misinterpret the minds of the majority of the men they are supposed to represent.

Senator THOMAS.—That is not the fault of the officials, but of the members of the union, who neglect their duty by failing to attend its meetings.

Senator LYNCH.—Quite so. I do not say that it is possible to provide a complete remedy for that state of affairs, but I think that it is possible for us to provide in this Bill that before the Arbitrator is called upon to adjust a dispute he should be satisfied that the application made to him is genuine and is backed up by the overwhelming majority of the members of the organization concerned, and is not based merely on the say-so of the officials of the organization. I am inclined to propose, as an amendment, the addition to sub-clause 2 of clause 12 of the words—

Every such memorial or claim must be accompanied by a certificate to the effect that a two-thirds majority decision of the members of such organization, at a secret ballot, has been obtained in favour of its submission.

Honorable senators may prefer that we should provide for a simple majority, but I favour, personally, requiring a two-thirds majority of the organization concerned to be behind a memorial submitted to the Arbitrator. The object of such an amendment is, of course, to determine the feeling in connexion with the matter in dispute that animates the general body of the workmen concerned.

Senator DUNCAN.—The honorable senator wants to be quite sure that they desire an increase in wages?

Senator LYNCH.—Absolutely. We know that men placed in the positions to which I have referred are, perhaps quite unconsciously, in the habit of magnifying

their offices and doing something that is unnecessary in order to justify their existence. I do not say that this applies particularly to the officers of trade unions. I do not know that members of Parliament are not sometimes affected by the same virus. We may wish to surround ourselves with something beyond the measure of dignity and importance to which our positions entitle us. It is not, I think, too much to say that some of the responsible mouth-pieces of trade unions are given to the practice of stirring up trouble in order to emphasize their own importance. I do not say that this applies to organizations in the Public Service, but we do know that persons occupying such positions have too often a false conception of their duties and responsibilities. They seem to think that they must be making an appeal here and there, and they are inclined to make men believe that they have grievances when, as a matter of fact, they have not.

Senator KEATING.—They find that keeping peace is too monotonous.

Senator LYNCH.—It is to checkmate the tendency to which I have referred that I think provision should be made to insure that the great body of the members of an organization should be behind a complaint before the Court to be set up under this Bill is moved to consider it.

Senator PEARCE (Western Australia—Minister for Defence) [3.5].—With regard to the first point raised by Senator Lynch as to the necessity of the Government represented by the Board of Management or the Public Service Commissioner, as the case may be, having the right to initiate a plaint before the Arbitrator, I suggest to the honorable senator that it is unnecessary to make any provision in that regard. Under sections 19 and 20 of the Commonwealth Public Service Act, the Public Service Commissioner presents to the Governor in Council—and that is the Government—his recommendation as to salaries, wages, and conditions in the Public Service. The Government of the day must approve that recommendation or reject it. If they reject it the Public Service Commissioner is called upon to submit a fresh schedule. If the Government approve of the recommendation the expenditure necessary to give it effect is

included in the annual appropriation presented to Parliament. So that the honorable senator will see that the existing state of affairs has already received the approval of the Government and subsequently of Parliament. There is, therefore, no necessity to make provision for the Government or the Board of Management of the Public Service having the right to appeal against their own judgment. They have already given judgment. The existing state of affairs does exist because they have consented to it. An appeal by them to the Arbitrator is, therefore, unnecessary. But the employees of the Public Service, on the other hand, have not had an opportunity to appeal, and it is the purpose of this Bill to give them that opportunity. They are the only persons for whom it is necessary to make provision for an appeal in this particular way.

Senator ELLIOTT.—How are the Government to reduce wages recommended by the Public Service Commissioner or the Board of Management?

Senator PEARCE.—By calling upon the Commissioner or the Board to submit a schedule on a reduced scale. For instance, if the Board of Management were in office and the Government found that it was necessary to reduce wages, they would inform the Board that there was only a certain amount of money available for the payment of the Public Service during the current year, and would ask them, in submitting proposals for wages and salaries, to keep within the limits of the amount available.

Senator KEATING.—If the reduction suggested affected an award under this Bill the Government would have to proceed under sub-clause 7 of clause 12.

Senator PEARCE.—I do not think so. I think they would proceed under the Public Service Act, which lays down the way in which salaries, wages, and conditions may be fixed or altered.

Senator KEATING.—That is only in the absence of any arbitration award.

Senator PEARCE.—I think that that is the way in which the Government would always proceed.

Senator KEATING.—Not if we pass this Bill.

Senator PEARCE.—I think so. Those who might feel that they would be unjustly treated by a reduction decided upon by the Government would appeal to the Arbitrator.

Senator KEATING.—The Minister is overlooking the fact that he is quoting legislation which was passed before any means of resorting to arbitration was provided for the Public Service.

Senator PEARCE.—The Public Service Act is read along with the Arbitration (Public Service) Act and yet the Public Service Commissioner, as a matter of practice, has been submitting his proposals as to salaries, wages, and conditions of the Service every year.

Senator DRAKE-BROCKMAN.—This measure will alter that.

Senator PEARCE.—The Arbitration (Public Service) Act has been in operation since 1911, and contains exactly the same provision as a provision contained in this Bill, only expressed in different terms, and still the Public Service Commissioner has annually presented his recommendations as to salaries and wages.

Senator KEATING.—But his recommendations have not conflicted with awards of the Arbitration Court.

Senator PEARCE.—That is so; but I contend that if they did, and Parliament voted only sufficient money to cover his recommendation, an organization considering itself unjustly treated would have to appeal to the Court against the recommendation. It is not necessary to provide that the Government should have the right to initiate proceedings before the Arbitrator.

To prevent other than *bonâ fide* grievances being brought before the Arbitrator, Senator Lynch suggests the taking of a secret ballot by the organization concerned. Personally, I am very much in sympathy with the idea the honorable senator has expressed. I believe that if machinery existed for the taking of a secret ballot under proper conditions, many cases that are now brought before the Courts would not come before them at all. But I submit to Senator Lynch and the Committee that it is impossible by one sub-clause, such as the honorable senator proposes, to provide the necessary machinery for such procedure. I also submit that it represents such a revolution in our arbitration policy that it should be embodied first of all in the general arbitration law of the country.

Senator LYNCH.—If it is a good thing, can we not make a start with it here?

Senator PEARCE.—I do not think that this is the right measure in which to make

the change, because this legislation is really only supplementary to the main arbitration law of the country. As honorable senators are aware, it is the intention of the Government to introduce a Bill to amend the main Conciliation and Arbitration Act, and, personally, I hope that some machinery can be devised to secure a true expression of the will of the persons concerned in any appeal to the Arbitration Court. If that can be done, I see no reason why the same machinery should not be applied to the Public Service. The honorable senator's proposal could not be given effect to by the simple amendment he suggests. For instance,

who is to take the ballot? Upon what conditions is it to be taken, and what guarantee will the Court have that it has been properly conducted, and that the members of the organization have actually voted? The mere presentation of a certificate by some person as to a secret ballot will not be proof that a ballot has been taken. Much more elaborate machinery must be devised in order to give effect to Senator Lynch's idea. While the object he has in view is a perfectly good one, it is, I think, better that we should wait until we have before us the measure for the amendment of the general arbitration law, and if that does not meet with Senator Lynch's approval, he can endeavour to secure any amendment of it that he desires when it is under consideration.

Senator DUNCAN.—Does the Minister not think that if a memorial is presented for increased wages, the Court will be justified in assuming that the organization concerned is behind it?

Senator PEARCE.—I think that the virtue of Senator Lynch's proposal will be found to be not that it will prevent complaints being submitted to the Court, but that it will prevent direct action or strikes. The adoption of the honorable senator's idea might have the effect of actually increasing the number of cases coming before the Arbitration Court; but I believe that it would decrease the number of strikes and prevent the resort to direct action.

Senator DUNCAN (New South Wales) [3.14].—I direct attention to the fact that sub-clause 7 of the clause under consideration provides that—

The Commissioner or the Minister of any Department of State affected by any determination of the Arbitrator may submit to the Arbitrator an application to vary the determination, wholly or in part.

There should be some provision in this sub-clause enabling an organization also to make an application for varying any determination of the Arbitrator, either wholly or in part. The sub-clause as it stands appears to me to be quite unfair. I can easily foresee a condition of affairs where the members of an organization may be smarting under a strong sense of injustice. Any determination arrived at by the Arbitrator will, I assume, cover a prescribed period; in other words, his decision will not be subject to variation at any moment. In this sub-clause the right is given to the Commissioner or the Minister to lodge an application for a variation of any award, either wholly or in part, but there is no provision whereby an organization may, owing, perhaps, to changing circumstances, seek a similar variation for the benefit of its members. Surely it is up to us to give our Public Service associations an equal opportunity with the Commissioner or the Minister to obtain a variation of any determination. If the Commissioner or the Minister has a right to obtain such a variation, most certainly those organizations should have a similar right.

Senator PEARCE.—An organization may act under sub-clause 2.

Senator DUNCAN.—But I anticipate that when under sub-clause 2 an organization does submit to the Arbitrator, by memorial, a claim "relating to the salaries, wages, rates of pay, or terms or conditions of service or employment" of its members, the determination of the Arbitrator will be for a specific period.

Senator PEARCE.—In most Public Service cases there has been no period fixed.

Senator DUNCAN.—But this Bill goes a great deal farther than does the Public Service Act, and covers branches of employees which are not covered by that Statute. I cannot see that any harm will be done if we insert in clause 7 after the word "State" the words "or any organization." In sub-clause 8 the organization is again brought in. It reads—

The organization, and the Commissioner or Minister, as the case may be, may within the prescribed time lodge any objections they see fit to make to the granting of the application.

Under that provision the organization has a right to lodge an objection, why not give it the right to apply for a variation of any determination?

Senator KEATING.—That is because the application is being made by the Minister or the Commissioner.

Senator DUNCAN.—If the application has been made by them, why should they desire to lodge an objection to it?

Senator PEARCE.—Does not the honorable senator think that the words in sub-clause 8 indicate that the organization has already acted under sub-clause 2? Otherwise the words of sub-clause 8 are meaningless.

Senator DUNCAN.—I can quite understand that it will be the organization which will move the Arbitrator for the purpose of securing an adjustment of the conditions of its members. But if a determination is to cover a prescribed period—even a period of only twelve months—it may be found within that time that the determination is not working in the way that it was expected to work, and the organization may therefore desire to secure some small variation of it. But under this sub-clause there is no power given to it to approach the Arbitrator and ask for such a variation.

Senator J. D. MILLEN.—Is not the honorable senator's point covered by the provisions of clause 14?

Senator DUNCAN.—I do not think so. There is no power given under this sub-clause to make any application on behalf of an association, and I want to see that power conferred by it. If the Minister has power to lodge an objection to the granting of an application, the Public Service associations ought to have the right to apply for a variation of any determination. I therefore move—

That after the word "State," first occurring, in sub-clause (7) the words "or any organization" be inserted.

Senator PEARCE (Western Australia—Minister for Defence) [3.22].—I am of opinion that under sub-clause 2 an organization can apply for a variation of an award. I think that this is implied by the language which is employed in sub-clause 8 of this clause. The sub-clause sets out—

The organization, and the Commissioner or Minister, as the case may be, may, within the prescribed time, lodge any objections they see fit to make to the granting of the application.

Obviously if the Commissioner or the Minister had lodged the application, there would be no need to provide that either of them might lodge an objection to the granting of it.

Senator KEATING.—Will the interests of the Minister and of the Commissioner always be identical?

Senator PEARCE.—They may not be.

Senator KEATING.—The Minister may be applying for a variation of a determination, and the Commissioner may be objecting to any such variation.

Senator PEARCE.—However, I see no objection to the insertion of the words proposed by Senator Duncan.

Amendment agreed to.

Amendment (by Senator PEARCE) agreed to—

That at the end of sub-clause 7 the following words be inserted:—"or to the Commissioner and the Minister of the Department affected by the application, if the application to vary has been made by the organization."

Senator FOLL (Queensland) [3.25].—As this is one of the most contentious clauses in the Bill, and as the majority of honorable senators are anxiously awaiting an opportunity to peruse Mr. McLachlan's report upon the Public Service, which is now in the hands of the Government Printer, I suggest that the Minister should consent to report progress.

Senator PEARCE.—I think that we should proceed with the consideration of the Bill. This clause may be recommended if necessary.

Clause, as amended, agreed to.

Clause 13 agreed to.

Clause 14—

(1) For the purposes of this Act, the Arbitrator shall have power as regards any claim or application of which he has cognisance under this Act—

(e) to declare by any order that any term of a determination shall, subject to such conditions, exceptions, and limitations as are declared in the order, be a common rule of the Public Service or of any branch or part of the Public Service; and

Senator SENIOR (South Australia) [3.27].—This clause contains no provision for consultation between Departments which are affected by a particular determination being declared to be a common rule. There ought to be some provision in it to enable the wishes of other branches which may thus be brought within the scope of any determination, to be clearly ascertained. Otherwise a great deal of hardship may

be inflicted. I would suggest that at the end of sub-clause e the following words should be inserted:—"Before such common rule is made, any organization whose members are likely to be affected by it shall have the right to submit evidence and arguments on the matter."

Senator PEARCE (Western Australia—Minister for Defence) [3.30].—This is one of the cases in which, if the contingency referred to by Senator Senior did arise, the Department or the Minister or Commissioner, or organization concerned, would apply for a variation of the award. We have provided machinery for that in the clauses already passed. If the common rule was likely in their opinion to injure them in any way, they would operate the machinery provided in clause 12 in order to get before the Arbitrator to show that the common rule should not apply to them.

Senator SENIOR (South Australia) [3.31].—The common rule would have to be in operation before the Minister's argument would apply. My point is that when the Arbitrator declared that the common rule should apply, and before it came into operation, the organizations should have the opportunity of showing why it should not apply to them. To follow the course indicated by the Minister would mean beginning an entirely new case and arguing it again before the Arbitrator. I want to allow the organizations to make their representations as part and parcel of the first proceeding. The Minister's suggestion would simply mean finding more work for the Arbitrator to do. Before an organization could start another case, its members might have to suffer for a considerable time under the disadvantage of an award being made into a common rule and applied to them.

Senator KEATING (Tasmania) [3.33].—Before the Arbitrator exercised his jurisdiction under paragraph e and made a common rule of any particular term, he would inform himself as to its applicability to that part of the Service in respect of which it was to be made a common rule. If he were inexperienced he might not do so on the first occasion, but after one experience of that kind he would soon learn wisdom, and, before making a common rule of this character, inform himself as to the exact conditions

and give an opportunity to be represented to those who should be represented because of the fact that the common rule was to be applicable to them.

Senator HENDERSON.—Do you think it is possible in a service of that character to make a common rule?

Senator KEATING.—It may be in certain circumstances. If the Arbitrator does not so inform himself, and does not give those affected an opportunity to be represented, it will be open to them, as pointed out by the Minister, if they are an organization, or it will be open to the Minister or the Board, to take action under clause 12. I am not sure that it would not be possible by means of regulations under clause 22 to provide certain machinery for the Court functioning under clause 14, and to prescribe the necessary forms for the notification of persons to be affected.

Senator SENIOR.—But provision is not made for that to be done in the clause which enables the common rule to be applied.

Senator KEATING.—It is not, but it is possible under clause 22 to frame regulations, rules and forms for giving the necessary notice.

Senator SENIOR (South Australia) [3.37].—I move—

That in paragraph *e* after the words "Public Service," last occurring, the following words be added:—"Provided that before any such common rule is made any organization whose members are likely to be affected by it shall have the right to submit evidence and arguments on the matter."

That is not mandatory. It simply gives organizations the opportunity to inform the mind of the Arbitrator as to how the common rule will affect them. I am not very much impressed by Senator Keating's suggestion that the necessary provision can be made by regulation. My experience of rules and regulations is that under them anything is possible to those who want to do it. Regulations are very voluminous, and it will be much clearer and simpler to include in this Bill a few simple words giving the organizations the right to be heard before the common rule is applied to them.

Senator PEARCE (Western Australia—Minister for Defence) [3.39].—I ask Senator Senior not to press the amendment. We should not act on the assumption that these proceedings take place in

the dark, and that nobody knows that they are going on. The organizations affected can be trusted to keep a strict eye on all that happens before the Arbitrator. Any one who has studied the operations of the Arbitration Courts knows that that is so. If Senator Senior is in earnest in proposing the amendment, he has not gone far enough. He assumes that the only people who will be affected by the common rule are the members of organizations, whereas the Minister and the Commissioner, or the Board, will also be affected. If there is any necessity to notify the organizations, it is also necessary to notify the Minister or the Commissioner, so as to allow them to intervene. If the Arbitrator were so foolish as to make a common rule without notifying those concerned—and, as Senator Keating points out, he would always notify them, because it would be common sense to do so—the organization, or the Minister, or the Commissioner, could apply for a variation of the award.

Senator SENIOR (South Australia) [3.41].—The Government are placed in an entirely different position from an organization. They are all the time in touch with what is going on, and can intervene in the case before the common rule applies, whereas an organization would be shut out. The two cases are, therefore, not parallel. All I want is to give common justice to those who may be affected by the common rule. I have no wish to be obstructive. I desire to make the measure useful. No common rule should be applied to the disadvantage of any branch of the Service without their first being heard.

Amendment negatived.

Senator J. D. MILLEN (Tasmania) [3.43].—Will organizations have to submit their rules to anybody for approval, as is necessary now under the Arbitration Act?

Senator PEARCE (Western Australia—Minister for Defence) [3.44].—When an organization applies for registration, it has to submit a copy of its rules. That is provided for by regulation.

Senator KEATING.—Is this Bill to be incorporated in the Arbitration Act?

Senator PEARCE.—Yes.

Clause agreed to.

Clause 15 agreed to.

Progress reported.

ADJOURNMENT.

DEPARTMENTAL FILES.

Motion (by Senator E. D. MILLEN) proposed—

That the Senate do now adjourn.

Senator THOMAS (New South Wales) [3.46].—I wish to bring under the notice of the Minister representing the Postmaster-General a matter of some interest to honorable senators, and I am mentioning the matter now, not in the expectation of obtaining a definite answer, but in the hope that when we are dealing with the Supply Bill next week, I may have an opportunity to refer to it again, when I trust that the Minister will be in a position to furnish me with a reply. I have no desire to mention names, because I am dealing rather with the principle than with an individual complaint. I was under the impression that an injustice had been done to an officer of the Department, and made application to see the papers, in order to satisfy myself as to whether what I had heard was correct or otherwise. I telephoned to the Department, and, in the absence of the Postmaster-General (Mr. Wise), the secretary informed me that, as soon as the Minister returned, the matter would be brought under his notice. Subsequently I received a letter stating it was not the practice of the Department to allow a perusal of the files and papers dealing with matters under the Public Service Act, and regretting that the Postmaster-General was unable to see his way clear to depart from the principle laid down by his immediate predecessors, that such papers were only to be produced as the result of action in Parliament, and then only when strong presumptive evidence was submitted that a miscarriage of justice had occurred. It came as a surprise to me to learn that an honorable senator may not see papers in cases like this. I think the principle laid down is an unwise one. To require an honorable senator to submit a motion dealing with a complaint before he can have access to departmental files seems to me like using a big steel hammer for the purpose of cracking a nut. Even then the Department might argue that an honorable senator had not submitted a sufficiently strong case to justify permission to peruse the papers. If access to the files is denied, an honorable senator might, when submitting a resolution, put up a very strong

case, but, after perusal of the papers, he might have reason to regret that he had taken any action at all.

Senator RUSSELL (Victoria—Vice-President of the Executive Council) [3.53].—I shall discuss the matter with the Postmaster-General (Mr. Wise), and give the honorable senator a reply as soon as possible. It seems to me to be much better to allow honorable senators access to departmental files in the circumstances mentioned.

Question resolved in the affirmative.

Senate adjourned at 3.54 p.m.

House of Representatives.

Friday, 30 July, 1920.

The CLERK reported the unavoidable absence of Mr. Speaker.

MR. DEPUTY SPEAKER (Hon. J. M. Chanter) took the chair at 11.1 a.m., and read prayers.

PERSONAL EXPLANATION.

MR. JOWETT.—Last night, when the honorable member for Parkes (Mr. Marr) was addressing himself to the Supply motion, and speaking of proposing to reduce the vote by £1, to direct attention to the lack of provision for works at Canberra, I made an interjection, and the incident is reported in this morning's *Age* as follows:—

When Mr. Marr repeated his threat, the Treasurer waved an admonitory finger at him, and said, playfully, "Now, now, no threats," and added that he would hand over £1 straight away if necessary. "No," retorted Mr. Marr, "I want my pound of flesh." Then Mr. Jowett came to light. "There," he said, "the Shylock of Australia." Mr. Marr sat down amid laughter.

I had not the remotest intention of referring to my honorable, most amiable, and generous friend, the honorable member for Parkes, as "the Shylock of Australia"; what I intended to convey by the interjection was that, on present indications, Canberra is the Shylock of Australia.

MR. RILEY.—I submit that the concluding sentence of the honorable member went beyond the matter of a personal

explanation, and was a reflection upon the House.

Mr. DEPUTY SPEAKER.—I did not understand the honorable member to reflect on any honorable member of the House.

Mr. JOWETT.—Certainly not. I regret that such an impression should have been conveyed by my remark, and I apologize for it.

FATHER JERGER.

ACTION AGAINST SIR GRANVILLE RYRIE

Mr. RYAN asked the Attorney-General, *upon notice*—

1. Is it a fact that the Government are guaranteeing the costs and undertaking the defence of Sir Granville Ryrie in an action for defamation now pending against him in the Supreme Court of Victoria at the suit of the Reverend Charles Jerger?

2. If so, will he set out the exact reasons for so doing?

Mr. HUGHES.—The answers to the honorable member's questions are as follow:—

1. Yes.

2. Because the speech in question was made by Sir Granville Ryrie in his capacity as Assistant Minister for Defence.

PEACE WITH AUSTRIA.

Mr. RYAN asked the Prime Minister, *upon notice*—

1. Will he ascertain and cause to be laid on the table of the House the exact terms of the Imperial Order in Council declaring peace with Austria?

2. From what date was the declaration of peace to operate, as set out in the said Order in Council?

3. What is the exact description of the parties as referred to in the said Order in Council?

Mr. HUGHES.—Full information will be furnished as soon as possible.

WAR BONDS.

PROBATE DUTIES.

Mr. LAZZARINI asked the Treasurer, *upon notice*—

1. Whether it is a fact that the Government allow war bonds to be accepted in payment of probate duties?

2. Is it a fact that wealthy people buy these bonds at £91 or £92 on the Stock Exchange, and tender them to the Government in payment of probate duties at par value, £100?

3. Will he take steps to stop this great leakage of Commonwealth revenue, especially now, when the Government are in such urgent need of funds?

Sir JOSEPH COOK.—The answers to the honorable member's questions are as follow:—

1. Yes.

2. Bonds purchased on the market may be tendered in payment of probate duties. The Government is not aware at what prices bonds have been purchased for this purpose.

3. There is no leakage of revenue, because for every £100 paid by the surrender of bonds, the Commonwealth's indebtedness under the war loans, for a similar amount, is cancelled.

Whoever may lose in these transactions, the Government do not.

SECOND PEACE LOAN.

SECRETARY, VICTORIAN NATIONAL FEDERATION.

Mr. PROWSE (for Mr. STEWART) asked the Treasurer, *upon notice*—

1. Whether it is true that the secretary of the Victorian National Federation has been appointed to the Publicity Committee of the Second Peace Loan?

2. If so, in what capacity?

3. If so, what is the amount of salary, if any, that he is to be paid?

4. If so, whether such appointment of a prominent political party organizer is wise, in view of the non-party nature of the appeal?

Sir JOSEPH COOK.—The answers to the honorable member's questions are as follow:—

1. Yes.

2. In a private capacity, as an honorary member.

3. No salary or other remuneration is paid.

4. The gentleman concerned was not appointed as a representative of, or because of his association with, a political party, but solely because his special experience in war loan organization and publicity work would benefit the loan campaign. The Government seeks the aid of all classes, without regard to their political associations.

DEFENCE EMPLOYEES.

Mr. TUDOR asked the Minister representing the Minister for Defence, *upon notice*—

What action is proposed to be taken in connexion with the different employees in the Defence Department when the Defence (Civil Employment) Act ceases to operate?

Sir GRANVILLE RYRIE.—No decision has yet been arrived at; but the matter is being considered in connexion with the Bill to amend the Public Service Act, which it is proposed to introduce into Parliament shortly.

OATMEAL.

Mr. TUDOR (for Dr. MALONEY) asked the Minister for Trade and Customs, upon notice—

In view of the fact that the managing director of Robert Harper and Company, giving evidence before the Fair Profits Commission, as reported in yesterday's papers, states that it takes 120 bushels of oats to produce a ton of oatmeal, and as this varies from other sworn evidence given before the same Commission, will the Minister kindly inform the House—(a) the average weight of oats to produce a ton of oatmeal to make a short ton of 2,000 lbs. weight; (b) the amount of oats to produce a long ton of 2,240 lbs.; (c) what is a fair price for gristing a short ton of oatmeal; (d) what is a fair price for gristing a long ton of oatmeal?

Mr. GREENE.—The information is being obtained.

ORDER OF BUSINESS.

Mr. HUGHES (Bendigo—Prime Minister and Attorney-General) [11.11].—I move—

That on each sitting day, unless otherwise ordered, Government business shall take precedence of general business.

In submitting the motion, I remind honorable members of the state of the business-paper and the position of the House. Many measures of great importance await consideration, and, although Parliament has been in session for some five months, little business has been done. I shall not animadvert upon the causes of this state of affairs, but as it is the duty of the Government to see that the business of the country is proceeded with expeditiously, I would remind the House of some of the measures that have to be dealt with. First of all, there is the Tariff. Some honorable members have not sat through a Tariff debate, but I am one of those who have done so. If I remember aright, the first Tariff occupied the attention of Parliament for about twelve months.

Mr. TUDOR.—For sixteen months.

Mr. HUGHES.—At that time my position in regard to the Tariff was different from what it is now, and that may make some little difference in the length of the debates, but a man would be an intolerable optimist who could imagine that the Tariff could be disposed of in a short time. During a Tariff discussion the ordinary party lines are not drawn, and when I had the honour of association

with my friends opposite during the last Tariff discussion, it was a common thing for us to be hopelessly divided on various items. The circumstances in which I now find myself will prevent me from shaking a free leg, so to speak, when the present Tariff is discussed, but every honorable member who is not a Minister will be free of party ties regarding it. Then there is finance. That is, to say the least of it, a matter that requires consideration by this Parliament. Our position is serious enough, and we should not be doing our duty to the country unless we gave to financial problems that consideration which is due. Then there is the question of the Estimates. An early opportunity to discuss them has been asked for, and a promise has been given that they shall be discussed. That promise will be fulfilled. But clearly one of the conditions precedent to the fulfilment of that or any promise is that opportunity shall be given for the despatch of public business. There is also the problem of defence. Nobody has said anything about that so far. But it is clearly one of those questions that must be faced. There is room for difference of opinion as to the scope of our defence policy, and the amount which should be expended upon it, but I think no one will deny that some policy is necessary. We shall require time to consider that matter. There is the question of the civil administration of the Pacific Islands, and the giving of effect to the mandates. In addition, there is the group of three Bills relating to industrial matters. One is already before the House, and it is to be followed by the Public Service Bill and the Bill for the amendment of the Arbitration Act. Other Bills of great importance must be brought before Parliament. The honorable member for Dalley (Mr. Mahony) has brought under my notice a matter which, owing to the unearthly hour at which this Chamber persists in meeting on Friday, had escaped my notice. He reminds me that the business of the House cannot be effectively carried on until the seat of this Parliament is removed to Canberra. The honorable member for Yarra (Mr. Tudor) can argue that matter with the honorable member for Dalley *ad lib*. We have wasted a great deal of time. We must now make up for our lost opportunities,

and whilst I should be the last to say that the discussions which take place on private members' day are not interesting—they are full of interest, and yesterday was a most enjoyable day—yet they do not advance the business of the House. Therefore, I am asking honorable members to allow Government business to take precedence of private members' business. I am perfectly prepared to pledge myself and the Government to allow a week to private members' business at the close of the session. Honorable members laugh; I suppose that the contemplation of a whole week is a little too much for them. But I do say, not necessarily for publication, but as evidence of my *bona fides*, that I promise honorable members an opportunity before the close of the session to deal with those private motions which now appear upon the notice-paper. Therefore, since the opportunities of honorable members to deal with such business will not be denied, but merely delayed, I ask them to agree to this motion without further discussion. I assure them that there are many measures which they and I alike agree are necessary to be dealt with. The Treasurer (Sir Joseph Cook) reminds me that next Thursday is grievance day. That is an additional reason why honorable members should vote for the motion. I shall not argue the question further. Honorable members understand the position, and I promise those who have notices of motion upon the business-paper that they shall have a week for their consideration at the end of the session.

Mr. MAHONY (Dalley) [11.22].—I am surprised that the Prime Minister should have moved this motion when most important motions have been placed on the notice-paper by private members. The first item for next Thursday is an urgent motion in the name of the honorable member for Nepean (Mr. Bowden) in relation to the Federal Capital.

Sir JOSEPH COOK.—Honorable members were discussing that matter on the Supply Bill last night.

Mr. HUGHES.—And it can be discussed under cover of grievances.

Mr. MAHONY.—The matter was being discussed last night for a few moments, but we desire a serious discussion upon it, and an opportunity for the House to say to the Government that the

construction of the Capital at Canberra shall be proceeded with. Honorable members who represent Victorian constituencies may laugh, but they must remember that New South Wales, which provides three-fourths of the revenue of the Commonwealth, will demand that this contract shall be carried out. The notice of motion in the name of the honorable member for Nepean (Mr. Bowden) reads—

(1) That pursuant to the resolution passed by this House on 27th May, 1915, and in view of the importance of having the Commonwealth Parliament removed at the earliest opportunity from influences inseparable from its location in any of the existing State capitals, in the opinion of this House the building of the Parliament Houses and Administrative Offices and other necessary works should be proceeded with at the earliest possible opportunity.

(2) That the carrying of this resolution be an instruction to the Government to take all necessary steps to expedite the construction of the necessary accommodation.

The discussion of that motion will provide an opportunity to honorable members to decide by their votes whether the compact entered into by the various States with New South Wales shall be honoured. That compact was made, and it is of no use—

Mr. DEPUTY SPEAKER (Hon. J. M. Chanter).—The honorable member may state reasons why the motion in relation to the Federal Capital should be discussed, but he will not be in order in discussing the question in detail now.

Mr. MAHONY.—I desire only to show the effect of depriving private members of their right to bring before the House most important matters. We desire an opportunity to show reasons why the work at Canberra should be proceeded with immediately, and to inform the House of the action which New South Wales will take if it is to be fooled any longer in regard to this question.

Mr. McWILLIAMS.—The question can be tested just as well on a motion to reduce Supply by £1.

Mr. MAHONY.—We should have an opportunity for a full and free discussion on a definite motion. In connexion with a Supply Bill there are many important matters which require consideration.

Sir JOSEPH COOK.—Why is the honorable member now blocking the consideration of Canberra by delaying the Supply Bill?

Mr. MAHONY.—The effect of the motion proposed by the Prime Minister is to block discussion on the motion standing on the notice-paper in the name of the honorable member for Nepean. The Prime Minister's proposal is brought forward for no other purpose. Cabinet on looking through the business-paper has discovered that the first item of business for next private members' day is a motion relating to the Federal Capital, and Ministers have decided that the House must not be allowed an opportunity of voting upon the question, because they know that the majority of honorable members are in favour of the contract with New South Wales being carried out.

Sir JOSEPH COOK.—The honorable member is absolutely blocking the opportunity which is here now.

Mr. MAHONY.—The Treasurer knows that that is not so. Another important motion in the name of the honorable member for Angas (Mr. Gabb) relates to internment camps. There are many other motions upon the notice-paper which the House should have an opportunity to consider. The statement of the Treasurer that any of these matters can be discussed upon the Supply Bill is so much hot air, because he knows that the Government are determined to get the Bill through this House to-day, and they will take all sorts of care that we are not given an opportunity of discussing these important questions upon the Bill. The proposal to prevent honorable members bringing before the House, upon private members' day, matters affecting their constituencies, and the welfare of Australia generally, is an infringement of our rights, and the Government should be told clearly that we demand an opportunity to deal with these questions.

Mr. BAMFORD.—The Prime Minister has promised honorable members a week at the end of the session.

Mr. MAHONY.—The Prime Minister, in his usual light and airy manner, dangled before honorable members the promise of a week at the end of the session for the discussion of private members' business. There will probably be a six-months' recess at the end of the session, and this will give us plenty of time to stay at home and meditate on our foolishness if we allow this motion to pass. It will be useless for honorable members to

complain later on that they have had no opportunity to discuss important questions. Every honorable member has his responsibilities just as much as have the Government, and we, therefore, have every right to discuss private business.

Mr. McWILLIAMS (Franklin) [11.31].—The time has arrived when we ought to seriously consider our position. The measures we have to deal with this session are, perhaps, the most important that have come before the House since I have had the honour of a seat here. A Bill was introduced last night, and if the desire is to murder it in its cradle, the most effective way is to rush it through without its being thoroughly considered by those interested. Then there is the question of finance, which demands our closest attention. I have always been one to stand for the rights of this Chamber, but the time has come when we ought to put our "neck to the collar," and proceed with the business of the country. I shall support the motion on the distinct understanding that those honorable members who have not the opportunity now to discuss proposals which they desire to bring before the House, shall be given an opportunity later on. I am quite certain that the honorable member for Dalley (Mr. Mahony), after the briefest reflection, will see that a much more effective way of dealing with the question of the Capital is that suggested by the honorable member for Parkes (Mr. Marr). Knowing what is going on outside, and realizing the feeling on all sides of the House regarding the Federal Capital, I say deliberately that it is time that question was settled one way or the other. Personally, I am opposed to the proposal to remove to Canberra, and would favour the Seat of Government being in Sydney for the next ten years. At present we are spending money in the Federal area in a wasteful manner with no good results. What is the attitude of Parliament in regard to the establishment of the Capital in the immediate future? As I say, I favour the Federal Parliament sitting in Sydney for the next ten years.

Mr. WATKINS.—Where would it go afterwards?

Mr. McWILLIAMS.—I would leave that to the judgment of the House. I have always advocated Parliament sitting

four days in the week. It is not fair to honorable members who come from Queensland, Western Australia, and Tasmania that we should meet here on only three days, because they practically have to live in Melbourne from the day Parliament opens until it is prorogued. When the House rises at 4.30 on Friday the honorable members to whom I refer have to remain in Melbourne until 3 o'clock on Wednesday; and, now that Parliament, in its wisdom, has increased the salaries of honorable members, it is only fair that we should put in one more day's work. At the present time there are practically only two days a week for Government business, and I am therefore prepared to give up private members' day, but I do urge that we should meet on Tuesday, the result of which would be to give us as many actual Government days in the week as we now get in a fortnight. The Prime Minister has certainly not over-estimated the important work that awaits us, and it is high time we proceeded with the measures that must be discussed before Parliament rises. I ask the Government to consider very seriously the suggestion to sit four days a week, though not next week, seeing that honorable members must have made their arrangements.

MR. MAHONY.—Is that a threat to the Government?

MR. MCWILLIAMS.—I never threaten the Government, but I ask them, in view of the great importance of the measures to come before us, to call Parliament together on an extra day. This would give ample time for measures to be discussed as they ought to be discussed, instead of, as in the past, leaving many to the end of the session only to be rushed through one after the other, thus necessitating amending legislation when Parliament meets again. Let us give the Government the extra day in the week, and hold them fully and completely responsible for both the matter of the business and the manner in which it is conducted.

MR. PROWSE (Swan) [11.38].—I am in full sympathy with giving the Government and Parliament ample opportunity to deal with measures of such paramount importance as those which are to come before us; but I do not think that the proposal of the Prime Minister is the proper one. I quite agree with the hon-

orable member for Franklin (Mr. McWilliams) that this House should sit for more days in the week. The present arrangement may be all very well for some honorable members, but it means stringing the session out over the whole year. There are other honorable members who have no opportunity to visit their constituencies or their homes at the week-end; whereas if we sat five days a week instead of two and a half, we might get through our work in much shorter time; and, further, private members' business would not be put in the quarantine-box. I am not too sure that a week at the fag end of a session would afford any reasonable opportunity for the discussion of private members' business. For instance, there is the measure which I propose to ask permission to introduce, and which, if accepted, might result in saving sufficient money to pay the first instalment of the cost of the Federal Capital, and that important measure must be delayed by the Prime Minister's proposal. However, I strongly support the idea that we should sit at least one more day in the week until we have concluded the work of the country; then, if honorable members were so inclined, we might revert to the present *laissez faire* system.

MR. GABB (Angas) [11.40].—I move—

That all the words after "That" be left out, with a view to insert in lieu thereof the words "this House meet on Tuesday, Wednesday, Thursday, and Friday of each week."

This amendment may not be popular with all honorable members, but that fact does not deter me from moving it. We are sent here to do the business of the country, and as we are well paid, it is our duty to come here and do it. A second reason I have for submitting the amendment is that I have a motion on the business-paper for next week dealing with the question of the internment camps. The last time that motion was before the House, the representatives of the Government took care not to say one word, but, as it were, hid themselves; and honorable members on the Government side, generally, did not seem inclined to deal with the question. It is remarkable that just when the turn for that motion should

have arrived—and it is an important motion to those concerned—we have a proposal this morning to shelve it for the rest of the session.

Sir JOSEPH COOK.—The honorable member knows that next Thursday is "Grievance" Day.

Mr. GABB.—Quite so; but that would not prevent my motion coming on.

Sir JOSEPH COOK.—"Grievance Day" will give the honorable member an opportunity to bring the matter forward.

Mr. GABB.—I do not think so. Seeing that my motion is on the business-paper; at any rate, I shall not be able to take the question to a vote, as I should under ordinary circumstances. Probably the the Government would talk the motion out; if so, that would be exactly what is needed to show them in their true colours. I notice that the honorable member for Wakefield (Mr. Richard Foster) is getting a little excited; but I should like his constituents to know where he stands on this question; and there are other honorable members who, by interjections which do not get into *Hansard*, have tried to "rub it into" me. Another important motion on the paper is that by the honorable member for Eden-Monaro (Mr. Austin Chapman) for the calling together of a Convention to deal with an amendment of the Constitution. What chance will there be, if the motion before us is carried, of that proposal being considered? The Prime Minister (Mr. Hughes) told us that the Convention matter was to be brought up at the Premiers' Conference; but was anything done? If the Government vote against my amendment, the public will know which members are trying to do the work for which they are paid, and which members are not.

Mr. ROBERT COOK (Indi) [11.45].—I rise to object an amendment which has for its object the providing of an extra day for work.

Mr. DEPUTY SPEAKER (Hon. J. M. Chanter).—The amendment is not in order. The motion is that Government business shall take precedence of private members' business on each sitting day. The amendment deals with an entirely different matter, that is to say, an extra sitting day, and, therefore, does not appear to me to be applicable or relevant to the motion. It is a matter that should be the subject of a separate motion.

Mr. GABB.—Could I submit an amendment that Government business shall take precedence on three days a week, while private members' business is taken as usual?

Mr. DEPUTY SPEAKER.—No; that would be a direct negative. The motion specifies no particular days of meeting, but states that Government business shall take precedence of private members' business on each sitting day. The sitting days may be three, four, or five a week.

Mr. JOWETT.—It is clear that honorable members cannot amend the motion for the purpose of providing an extra sitting day.

Mr. DEPUTY SPEAKER.—I have already intimated that the proper procedure to secure an extra day of sitting is to bring forward a separate motion. No amendment to provide for an extra sitting day is relevant to a motion which states that Government business shall take precedence on each sitting day.

Mr. JOWETT (Grampians) [11.49].—Apparently honorable members who desire that the House should sit on an extra day in each week have no choice but to vote for or against the motion. There is a considerable body of opinion in the House in favour of making the Prime Minister's proposal more effective for the carrying on of business by sitting an extra day, and I would ask the Minister (Sir Joseph Cook), who is, for the time being, in charge of the House, if he is prepared to withdraw the motion at the present stage, and move on a subsequent occasion, not only that Government business shall take precedence of private members' business, but also that the House shall sit on Tuesdays for the remainder of the session. Otherwise many honorable members who desire to increase the means of getting on with business may feel compelled to vote against a motion which they consider is not sufficiently effective.

Sir JOSEPH COOK (Parramatta—Treasurer) [11.51].—The present sitting days were fixed in 1913, when I was Prime Minister. Previously the House met four days in each week, but it was a very inconvenient arrangement. It was impossible for honorable members living in other States to attend to their businesses at the week-end.

Mr. PROWSE.—What is the position of those who are compelled to live in Melbourne the whole year round?

Sir JOSEPH COOK.—Then they cannot have any businesses in their States to which they can personally attend. Honorable members whose homes are in other States found it very inconvenient to have to leave for Melbourne every Monday, in order to attend a sitting of the House on Tuesday. Those were the circumstances in which the change was made from four sitting days to three sitting days in each week. The question of an extra sitting day is not connected with the other matter of permitting Government business to take precedence over private members' business. Even when we were sitting four days a week, it was the rule, when the session had been going for a while, and when the notice-paper began to become congested with important business, to wipe out private members' day.

Mr. PROWSE.—As pressure of business is the excuse for the motion, would not it be met by sitting an extra day in each week?

Sir JOSEPH COOK.—That is a matter which should be raised as an entirely separate question. If honorable members are anxious to sit on Tuesdays, the Government must try to accommodate itself to that condition of affairs.

Mr. CONSIDINE.—Yes; bow your neck to the storm.

Sir JOSEPH COOK.—I would regard it as acting in a democratic way. But the honorable member does not believe in Democracy. He believes in the big stick, and in Lenin's "dictation of the proletariat." Long ago he left all his democratic opinions behind him, and, therefore, cannot understand me when I suggest that the Government should pay some regard to the opinion of a democratic assembly. I suggest that honorable members should accept the motion to-day, as nothing important will happen, even if it is agreed to. Private members' business is not of first-rate importance. At any rate, it is not so important as Government business is. The question of sitting on an extra day may very well be considered, and, in the face of a congested business-paper, I think the Government will soon be compelled to ask members to sit on an extra day per week, as well as give the additional time for which we are now asking.

Mr. CHARLTON (Hunter) [11.55].—I am entirely in accord with the motion. I have had considerable experience in a State Legislature, and in the Commonwealth Parliament, but so far I have not discovered that there is any utility in placing private members' motions on the notice-paper. I have never placed one on the business-sheet, either in the State House, or in the Commonwealth Parliament, because I realized the futility of doing so. The adoption of a motion submitted by a private member leads nowhere. I have never heard of any good being done by it.

Mr. BRENNAN.—Did not the honorable member for Melbourne (Dr. Maloney) succeed in carrying a motion in favour of the initiative and referendum?

Mr. CHARLTON.—Yes; but what good has come of it? What becomes of any motion carried on private members' day? It is a waste of time for the House to deal with private members' business when there is no means of giving effect to any resolution adopted unless the Government, who alone can take action to give the necessary effect to it, see fit to do so.

Mr. MAHONY.—Honorable members can force the Government to take the necessary action.

Mr. CHARLTON.—I have never seen it done.

Mr. PROWSE.—What about sitting on an extra day?

Mr. CHARLTON.—Apparently the honorable member, who is so anxious to get on with the business of the country, wants the extra sitting day for the discussion of private members' business, the futility of which I have just been endeavouring to point out. Has anything been achieved by the Thursday sittings, at which private members' business is discussed? The answer is "No."

Mr. GABB.—Because the Government always talk out private members' business.

Mr. CHARLTON.—If the honorable member were on the Government bench he would do the same thing. The Government are placed in power by a majority, and will give effect to anything which meets with their approval. I remember the occasion when honorable

members made representations to the Government, led by the right honorable gentleman (Sir Joseph Cook), pointing out how very inconvenient it was for honorable members who visited their electorates at the week-end to be obliged to return to Melbourne to attend sittings on Tuesdays. We left it to the Government to increase the sitting days, if at any time during the course of the session they found it necessary to do so on account of the congestion of business. The same practice should apply to-day. If it is found that we cannot get through all our business before Christmas, the Government, I presume, will ask us to sit on an extra day. My experience is that very little is done in Parliament during the first couple of months of a session. Members do not get down properly to work until towards the end of the session. As I regard private members' day as a waste of time, I support the proposal to wipe it out. The further question of the extra sitting day can be left to the Government for future decision.

Mr. RICHARD FOSTER (Wakefield) [11.59].—I am entirely in accord with what the honorable member for Hunter (Mr. Charlton) has said regarding private members' day, but, while I support the motion, I would ask the Government to give earnest consideration to the question of meeting on an extra day. On top of a lot of business of the greatest importance, and the utmost urgency, we have yet to deal with the Tariff. The people want to know what the Tariff will be. We ought not to consider our own interests at a time like this, but should consider the interests of the people of the country, and settle the Tariff as speedily as possible. I hope that the Government will make up their minds, at all events, the week after next, to ask the House to meet on an extra day.

Mr. CONSIDINE (Barrier) [12.0].—I oppose the motion. The honorable member for Hunter (Mr. Charlton) said that in his opinion private members' business was of no use, and that the time devoted to it was practically wasted. That may be true; but, on the other hand, the conduct of business by the Government is such that honorable members have no opportunity to discuss measures

as they should be discussed in an assembly representative of the people. We have recently had illustrations of the petulance of Ministers. The latest occasion was that on which the Treasurer (Sir Joseph Cook), as soon as he had had his say, promptly moved the "gag." Honorable members have had experience of the Government intimating without warning that a measure is to be regarded as being of urgent importance, and that it must be rushed through within a specific time. Quite a number of measures, before this Chamber and foreshadowed, are of considerable importance to the people; whether they are so recognised by some honorable members is another matter. There are Bills, for example, having to do with immigration, and with passports; and there are several others beside, of which the Government have given notice, which will arouse quite a deal of discussion. It is the duty of those who claim to have the interests of the people at heart to very critically examine all these measures, but that cannot be done in the limited time devoted to the affairs of Parliament at present. I shall certainly oppose any proposition to give precedence to Government business, so long as no provision is made for honorable members to adequately discuss matters put before them. Only the other day the Prime Minister (Mr. Hughes), speaking in Bendigo, announced his intention to push through a certain measure without reference to the opinions of honorable members at all. No matter what might be the views of the Opposition, or of critics in any part of the House, the Prime Minister was going to have that Bill through by to-day. So long as that spirit actuates the Government it will not receive my support in the passing of any of its legislation. At various times Bills have been brought down, and even honorable members sitting behind the Government have not known what the measures contained until they were tabled. That kind of thing makes a farce of the so-called representative institutions of the country.

Mr. ROBERT COOK (Indi) [12.4].—Any procedure which will afford this House extended opportunities for giving attention to Government business shall have my support. In my brief experience here I have noted that the closure,

whenever it has been applied, has been perfectly justified; and similar methods will receive my support on all like occasions. The matters to which the Prime Minister (Mr. Hughes) has drawn attention are of such importance that they become the responsibilities not merely of one side of the House, but of all honorable members. The Prime Minister referred to the three grave subjects of finance, defence, and the Tariff. During the past four weeks or more, what work has the House done? What legislation has it passed? If honorable members can only get to the problems ahead of them the interests of the country will be served.

Honorable members have made considerable reference to the Federal Capital. Just now we are asking the people to subscribe to the second peace loan, and the Government are offering a rate of interest which will penalize hundreds of small men who desire to secure private loans, because the rates of interest will correspondingly increase. Then, we are faced at this period with an unprecedentedly heavy financial strain. In view of these facts, I ask the Treasurer (Sir Joseph Cook), and honorable members generally, if there is any wisdom in expending money upon a temporary Capital.

Mr. RILEY.—On a point of order, I submit that the honorable member is not dealing with the question before the Chair, but is entering upon a financial discussion.

Mr. DEPUTY SPEAKER (Hon. J. M. Chanter).—I have permitted honorable members to allude to various items of business. I have asked, at the same time, that they will not discuss the merits or demerits of any particular measure or phase of legislation, but will advance their reasons why this motion should or should not be agreed to.

Mr. ROBERT COOK.—I quite understand the objection to the honorable member for South Sydney (Mr. Riley) to my touching upon Canberra.

Mr. RILEY.—All I am interested in is that if you do so I shall be permitted to do the same.

Mr. ROBERT COOK.—I feel that I am quite justified in referring to this matter, in consequence of the extremely difficult financial position in which this coun-

try finds itself to-day. We are committed in respect of many millions of money, and it is for the Federal Parliament to concentrate its forces with a view to bringing about the utmost efficiency and economy. All endeavours having those objects in view shall receive my consistent support.

Regarding expenditure on defence, there are certain matters which are bound to be taken in hand. The Prime Minister has stated that Australia must have some settled policy. When we study the cost of the war, and look upon our position in the world generally, we are bound to ask whether it shall be taken for granted that Australia is to remain under the sole protection of the Mother Land for ever. No; we must foot the bill. We must take care of ourselves; and it will cost millions. We must find the money to provide adequate defence, or run the risk of handing our land and our people over to those whom the honorable member for Barrier (Mr. Considine) would like to see in control.

I agree with the honorable member for Hunter (Mr. Charlton) that, no matter what Government is in power, it should have support for such a proposition as that now before the Chair. I would stand by a Labour Administration in such a proposal just as readily as I propose to do in the case of the present Government, or as I would do if a Government selected from the Country party were in power—as it will be later on. I shall assist the Government in pushing on with its business in preference to that of private members. We have witnessed wrangling day after day, with no business done. As for the suggestion that this House should sit an extra day a week, and regarding the criticism that the business claims of honorable members in the distant States should be considered, I would remind the House that salaries were recently increased in order to offset that precise difficulty. We now, more than ever, owe the whole of our services to the country; and, no matter what may be the nature or urgency of our outside affairs, the public duty of honorable members should be regarded as paramount. We cannot do our duty honestly if we are prepared to give only half of our time and the rag-end of our brains to the business of the country. Seeing that there is such an enormous volume of business

ahead, I trust that honorable members, without exception, will assist the Government to the full extent of their abilities. I hope there will be no blocking of the important business of the Government which has in it no taint of party politics.

Mr. NICHOLLS (Macquarie) [12.11].—Do I understand that the amendment of the honorable member for Angas (Mr. Gabb) has been ruled out of order?

Mr. DEPUTY SPEAKER.—That is so.

Mr. NICHOLLS.—Then I move, by way of amendment—

That all the words after "That" be left out, with a view to inserting in lieu thereof the following:—

On each sitting day save one, unless otherwise ordered, Government business shall take precedence of general business, and that there shall be an additional sitting day on Tuesday of each week.

I feel certain that the amendment will be acceptable to honorable members generally. An extra sitting day is urgently necessary, in order that this House shall adequately carry out its legislative activities. Wednesday in each week is practically gone before the House meets, while our Friday sittings occupy only a small portion of the day. Honorable members resident in the more distant States are compelled to remain in Victoria over each week-end, until the prorogation; whereas those representing electorates in the nearer States, as well as in Victoria itself, of course, are generally able to return to their homes for the week-ends. The position is neither fair nor consistent.

Mr. JOWETT.—I second the amendment.

Mr. DEPUTY SPEAKER (Hon. J. M. Chanter).—I have already ruled in connexion with a proposal of the honorable member for Angas (Mr. Gabb) that an amendment to increase the number of sitting days is not relevant to the motion, which merely raises the question, Shall Government business take precedence of general business on each sitting day, no matter how many sitting days there may be? I cannot accept an amendment to insert the words "save one," as proposed by the honorable member for Macquarie, because that would merely put us back to where we are at present, and be equivalent to a negating of the motion.

Mr. NICHOLLS.—Then I give notice of my intention to move to dissent from your ruling.

Mr. DEPUTY SPEAKER.—The honorable member has handed me a notice of dissent in the following terms:—

I hereby give notice that the ruling of Mr. Deputy Speaker—that to insert the words "save one" after "sitting days," and the words "and there shall be an additional sitting day on Tuesday of each week," at the end of the motion is out of order—be disagreed to.

The statement of the ruling contained in that notice practically accords with what I said, and under the standing order the discussion on the motion of dissent must go over to the next sitting day.

Question—That the motion be agreed to—put. The House divided.

Ayes	29
Noes	14

Majority	..	15
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AYES.

Bamford, F. W.	Jowett, E.
Bell, G. J.	Lister, J. H.
Best, Sir Robert	Marks, W. M.
Blundell, R. P.	Marr, C. W. C.
Bowden, E. K.	Maxwell, G. A.
Cameron, D. C.	McWilliams, W. J.
Charlton, M.	Poynton, A.
Cook, Sir Joseph	Prowse, J. H.
Cook, Robert	Rodgers, A. S.
Foster, Richard	Ryrie, Sir Granville
Francis, F. H.	Smith, Laird
Greene, W. M.	Wise, G. H.
Higgs, W. G.	<i>Tellers:</i>
Hughes, W. M.	Burchell, R. J.
Jackson, D. S.	Story, W. H.

NOES.

Brennan, F.	Nicholls, S. R.
Considine, M. P.	Ryan, T. J.
Cunningham, L. L.	Tudor, F. G.
Gabb, J. M.	West, J. E.
Lazzarini, H. P.	<i>Tellers:</i>
Makin, N. J. O.	Catts, J. H.
Maloney, Dr.	Mahony, W. G.
McDonald, C.	

PAIRS.

Watt, W. A.	Anstey, F.
Atkinson, L.	Moloney, Parker
Corser, E. B. C.	Blakeley, A.
Bayley, J. G.	Page, James
Gregory, H.	Mathews, J.
Groom, L. E.	Mahon, H.
Mackay, G. H.	Lavelle, T. J.
Bruce, S. M.	Watkins, D.

Question so resolved in the affirmative.

PAPUA BILL.

Bill received from the Senate, and (on motion by Mr. POYNTON) read a first time.

CENSUS AND STATISTICS BILL.

Bill received from the Senate, and (on motion by Mr. POYNTON) read a first time.

SUPPLY BILL (No. 2) 1920-21.

SECOND PEACE LOAN—WAR SERVICE NOTES—FEDERAL CAPITAL—DEFENCE EXPENDITURE—INVALID PENSIONS—ECONOMY IN EXPENDITURE—HIGH COMMISSIONER'S OFFICE—BALLARAT ELECTION: CANDIDATES EXPENSES AND PARLIAMENTARY ALLOWANCE—DISTRIBUTION OF ANZAC TWEED—WAR PRECAUTIONS ACT: EXPENDITURE.

In Committee of Supply: Consideration resumed from 29th July (*vide* page 3120), on motion by Sir JOSEPH COOK—

That there be granted to His Majesty for or towards defraying the services of the year 1920-21 a sum not exceeding £2,367,826.

Mr. RILEY (South Sydney) [12.31].—The loan of £25,000,000 which the Government are placing on the market will, I believe, be a success so far as the raising of the money is concerned, but I contend that the Government are borrowing on wrong principles. The Treasurer informed us that the bulk of this money is required for soldiers' homes and for the land settlement of soldiers, and bonds for an amount of £25,000,000 are being issued. Every penny of that amount must be taken from industry, in which it might be employed on reproductive work and in increasing business. Therefore the Government are proposing to remove from the avenues of industry and labour an enormous amount of capital. The Government are offering 6 per cent. interest for this money, and they have arranged that any person who takes up bonds to an amount equivalent to his present holding of old stock may convert the old stock, and receive 6 per cent. on it also. Thus a man who invests another £1,000 will, if he holds £1,000 worth of old $4\frac{1}{2}$ per cent. stock, be able to draw 6 per cent. on £2,000. It is possible that the Government will be called upon in that way to pay 6 per cent. on, not only £25,000,000, but on £50,000,000.

Sir JOSEPH COOK.—That might be so if all the holders of old stock convert their stock as the honorable member suggests, but it will not pay them to do that.

Mr. RILEY.—If I hold £1,000 worth of $4\frac{1}{2}$ per cent. stock and take up another £1,000 worth of new stock, I shall be receiving 6 per cent on £2,000.

Sir JOSEPH COOK.—But the big holders will not get that.

Mr. RILEY.—There is no difference between the issuing of bonds and the issuing of Commonwealth notes for the purpose of raising money. At present the market is overstocked with Commonwealth bonds, and the stock is selling under par.

Sir JOSEPH COOK.—Do not forget that a great deal of this money will be lent again to the States.

Mr. RILEY.—My suggestion is that the Government should issue £25,000,000 worth of war service notes. In the ordinary course a soldier's cottage can be built in three months. At the end of that time the soldier occupies the house and commences the payment of interest and principal. If, for the purpose of this repatriation work, the Government issued a special war service note, as the payments came in from the soldiers the loan would be automatically redeeming itself. In this way money would be saved to both the soldier and to the Treasury. The war has exploded the gold reserve theory.

Sir JOSEPH COOK.—My word, it has not.

Mr. RILEY.—Great Britain and France had very small gold reserves in proportion to their note issues. Let us issue special notes for war service homes as they are required, and, as the homes are completed, and the repayments from the soldiers commence, the notes will gradually be taken out of circulation. Thereby we shall not only save the soldier from the payment of heavy interest, but we shall avoid taking an immense amount of capital from the ordinary channels of commerce.

Sir JOSEPH COOK.—This is a proposal to build homes for nothing.

Mr. RILEY.—It will amount to that in time, because the Government will have the security behind the issue. The Commonwealth Bank—the finest institution of its kind in Australia—was established without any capital other than the credit of the Commonwealth. To-day there is about £55,000,000 worth of notes in circulation.

Sir JOSEPH COOK.—The amount is only about £22,000,000.

Mr. RILEY.—If the amount is so small, that is another argument in favour of the issue of special war service notes.

Sir JOSEPH COOK.—If we issued £50,000,000 worth of new notes, they would not remain in circulation.

Mr. RILEY.—No, but they would serve the Government's purpose. If the Government follow the old system of borrowing money at interest, thus taking capital from the avenues of industry and employment, they will not help the country, and the new bonds will merely help to depreciate the older stock. Under the system I suggest, so many thousand pounds' worth of notes would be withdrawn automatically every few months. That system has been followed elsewhere, and it could be adopted with advantage by the Commonwealth.

Mr. JOWETT.—What provision does the honorable member propose to make for withdrawing the notes?

Mr. RILEY.—A house is built for £600 or £1,000. As soon as the soldier occupies it he commences to pay to the Treasury rent and principal. At the end of six months he has paid in, say, £20 or £30. Thousands of other men have done the same, and the Government then withdraw from circulation war service notes to the amount of the aggregate.

Sir JOSEPH COOK.—In the meantime where are the notes, and who has them?

Mr. JOWETT.—They are in circulation; there is no difficulty about that.

Mr. RILEY.—The suggestion is worthy of the serious consideration of the Government. These specially ear-marked notes could be redeemed each year to the amount of the rent and principal that has been repaid.

Sir JOSEPH COOK.—Where shall we find a lot of contractors who will accept these notes?

Mr. RILEY.—They will be legal tender. War service notes will be no different from ordinary notes, but they will have their own identity, so that they can be gradually withdrawn. By this scheme the Government would make money, and I am sure that if the Labour party had an opportunity they would give it a trial. I move—

That the sum be reduced by £1.

I do this with the concurrence of the honorable member for Parkes (Mr. Marr), who forecast such an amendment. At the last general election the Government announced as part of their policy the honouring of the constitutional contract made with New South Wales to establish the Federal Capital at Canberra. The Prime Minister has since assured deputations that he is prepared to keep that pledge. Now is the best time of the year for building operations; if we wait until the Budget is brought forward, and the Estimates are approved, we shall have lost six months of the best portion of the year for building. The majority of honorable members are anxious that a sum of money shall be made available at once for commencing the erection of buildings and other works at the Federal Capital. I believe the Government are sincere in regard to this matter. The Prime Minister has given his promise, and I believe that he will fulfil it. My only fear is that the commencement of operations will be unduly delayed. At Canberra there are 1,000,000 bricks ready to be laid; there is £20,000 worth of timber lying idle, and there are complete water supplies and power and lighting services. When so much expenditure has been already incurred there, we are not justified in staying our hands any longer. The people of New South Wales have been long-suffering, seeing that the time specified was ten years, and that it is now twenty years since the Constitution came into operation. There is no doubt that the political life of this country is influenced by the city where the Seat of Government now is.

Mr. JACKSON.—It will be influenced just as much at Canberra—if ever we get there!

Mr. RILEY.—That is not so, and I trust that members who believe in carrying out the compact will vote for the motion as an intimation that we wish to know what the intentions of the Government are. I voted for the construction of the transcontinental railway, and also for the payment of a lump sum to Tasmania, because I regarded these as part of the Federal agreement.

Mr. BELL.—Tasmania did not ask for any compact—Tasmania only got what it was entitled to.

Mr. RILEY.—A previous representative of Bass made a great fuss about the payment to Tasmania; and, in any case, New South Wales is entitled to have the Capital within its borders.

Mr. JOWETT.—You want the Capital in Sydney.

Mr. RILEY.—No; our only desire is to carry out the Federal compact. In the Federal Territory there are 900 or 1,000 square miles of beautiful country, which, as soon as the Seat of Government is removed, will return a revenue. The whole influence of Melbourne and of certain members of this Parliament is bent on preventing the move to Canberra. I have here a report of the Public Works Committee on the proposed construction of a notes printing office, and the desirability or otherwise of placing that office at the Federal Capital; and it only shows the parochial spirit of those members who signed the document. It is pointed out that there are 211 employees in the printing office, and the report says that for their needs it would be necessary to erect 100 houses and two hotels; further, that for seventy single women, 100 cottages would be required. I notice that amongst the signatories there is not one New South Wales member. The report is signed by ex-Senator Needham and Senator Henderson, of Western Australia; the honorable member for Dampier (Mr. Gregory)—who is thoroughly antagonistic to removal to the Capital; the honorable member for Melbourne Ports (Mr. Mathews); the ex-member for Wimmera (Mr. Sampson); and the present Minister for the Navy (Mr. Laird Smith), of Tasmania. The only member of the Public Works Committee who voted for the erection of the building at Canberra was the ex-member for Moreton (Mr. Sinclair). How could we hope for a fair deal in such a matter from men with ideas so parochial? We have an opportunity on this Supply Bill to intimate to the Government that an early start is desired with the parliamentary buildings at Canberra; and I hope that honorable members will vote for the amendment.

Mr. JACKSON (Bass) [12.50].—The honorable member for South Sydney (Mr. Riley) talks about a compact made twenty years ago, but I do not regard the arrangement then made as a compact that

ought to be carried out. There is, however, one compact which means more to Australia than any that may have been made in regard to the Federal Capital; I refer to the construction of the north-south railway. Although this work is not provided for in the Constitution, there was certainly a compact regarding it. If we have to spend any money—and, goodness knows, we have not much to spend—we should spend it on some reproductive work; and in view of the difficulties encountered through lack of railway communication in the Northern Territory, it is certainly the duty of this House to take some steps in the direction I have indicated.

Mr. RILEY.—What have we lost on that railway already?

Mr. JACKSON.—I point out that the railway at present does not finish anywhere in particular.

Mr. RILEY.—That was because South Australia and Western Australia did not carry out their compact.

Mr. JACKSON.—However that may be, I oppose this motion, because the removal of the Capital is a matter which may be left over for a number of years, until our financial position is stronger. To make a first loss is sometimes more profitable than to try to recover it by spending millions, as suggested in the present case.

Mr. MARR.—Not millions.

Mr. JACKSON.—It is suggested that we should spend £300,000 a year, which would soon amount to millions. Does the honorable member for South Sydney (Mr. Riley) think that the fact that he voted for the transcontinental railway, and for the grant to Tasmania, will cause me to vote for a proposal which I regard as a wrong one?

Mr. LAZZARINI (Werriwa) [12.52].—Many arguments can be advanced why the work of removing the Capital should be proceeded with at once; but I shall only attempt to advance one or two. We are often told that this or that cannot be done under the Constitution, which must be strictly regarded. But, in the present instance, it is proposed to depart from a solemn compact embodied in the Constitution itself—a compact any departure from which means a violation of that Constitution. I do not think that New

South Wales has been treated at all fairly in this connexion. It is time that a Commonwealth of this importance had its Federal Capital and its Parliament properly housed. As to the work being unproductive, I submit that it would prove reproductive from the very first. The whole of the land there belongs to the Commonwealth, and the leasing of it for building and other purposes would return more than the interest on the money invested. The building of the Capital would also tend to solve the serious problem of unemployment, if the Government would only boldly tackle the job. There would not be much trouble in getting the initial capital, even if we resorted to the old system of borrowing, because I believe that New South Wales itself would contribute sufficient.

Although I see nothing in the Estimates to provide for works at Canberra, I notice a very large amount is provided for the unproductive purposes of defence and the military establishment. It seems to me inconsistent to raise the cry of "No money," when evidently we can raise any amount for the Defence Department. I protest against this enormous expenditure because I believe a system is being organized that will eventually Prussianize Australia. Not long ago, I saw a cartoon by an eminent English artist, depicting, in the other world, the shades of a German soldier and a British soldier. The German soldier is saying to the Englishman, "They told me I died to Prussianize Britain"; and the British soldier is saying to the German soldier, "I died to liberate Germany," and then they both say, "Let us congratulate ourselves on our success." We have been victorious in the war which was to crush militarism and end wars, but it seems to me that it is the other nations which are going to get the freedom from militarism. This military system, and the piling up of huge expenditure every year, will prove too great a burden for a small population of 5,000,000; and for that reason I think it will be well to effect some reasonable reduction. Of course, a certain expenditure is necessary, but, in my opinion, we are spending too much in building up huge defences which are unnecessary, seeing that to-day there are practically no enemies who could attack us. Amongst the countries of the world,

Mr. Lazzarini.

Japan is the only one which may be regarded as a military power; as to the other countries, I believe that the social and political organization which will grow up will prevent militarism getting any hold there in the future. Really, the only nations which are piling up defence expenditure are the Allied nations.

Sitting suspended from 1 to 2.15 p.m.

Mr. MAHONY (Dalley) [2.15].—I wish to direct the attention of the Treasurer to a very unfair provision in the Invalid and Old-age Pensions Act, whereby applicants for the invalid pension are refused on the ground that the total income for the family averages £1 per head per week, an amount which, as we all know, is not nearly sufficient in the present high cost of living for the maintenance of any person. Many such cases have come under my notice, but I have in mind one in particular, that of a young lady who has been invalided practically from birth. Medical men certify that she is incapable of doing any work, and her parents are obliged to provide expensive medicines and treatment for her. The father is a boiler-maker, whose earnings happen to be more than an average of £1 per head per week for the family. If the parents refused to keep the girl in the home, and threw her out on the street, the Commissioner for Old-age Pensions would be obliged to grant her a pension, but those who are humane enough, and have sufficient love for their offspring to maintain their invalid children in the family circle, are heavily penalized. Such a glaring anomaly ought to be rectified at once, and I hope that the Treasurer will see his way clear to bring down an amending Bill to do so. We have no greater unfortunates in the land than those who are permanently invalided and unable to follow any occupation.

The moment one touches upon the question of carrying out the solemn compact entered into with New South Wales, that the Federal Capital should be built in that State, there is a howl of derision from honorable members representing Victorian constituencies, and, in some cases, Tasmanian divisions. This morning we had the remarkable spectacle of the honorable member for Bass (Mr. Jackson) condemning the proposal to carry out this compact because, as he said, it was wrong:

yet, in the next breath, he was advocating that the contract with South Australia to build the north-south railway should be honoured. The honorable member approves of the action of this Parliament in coming to the financial aid of Tasmania, making it possible for the State to exist in a solvent condition, and he would build the north-south railway in order to carry out a contract entered into with South Australia, yet we find him opposing any proposal to carry out a compact entered into with New South Wales.

Mr. JACKSON.—I oppose any compact when it is wrong.

Mr. MAHONY.—Does not the honorable member realize that this arrangement was made with New South Wales twenty years ago?

Mr. MAKIN.—Does the honorable member believe that the Commonwealth ought to build the north-south railway?

Mr. MAHONY.—Certainly. I am a strong advocate of the carrying out of that work at the very earliest opportunity. I stand to the principle that the Commonwealth should observe any compact it enters into with a State, and I would not oppose a work being carried out in South Australia merely because I am a representative of a New South Wales constituency. The people of New South Wales would not have entered into the Federation if they had understood that representatives of Tasmania and Victoria were prepared to go back on the compact entered into to build the Federal Capital in New South Wales.

Mr. JACKSON.—If the people of Tasmania had known as much as they know now, in all probability they would not have entered into the Federation.

Mr. MAHONY.—The State of Tasmania, and some of the other States, would be in a very insolvent position if it were not for the revenue obtained by the Commonwealth from the people of New South Wales. While the people of New South Wales would not have entered into the Federation if they had imagined that the other States would go back on them, let me inform honorable members that when they discover that the representatives of other States are going back on them they will take steps to throw off the incubus of Federation. Honorable members representing Victorian constituencies may laugh at that remark, but when

the people of New South Wales realize that the other States are not prepared to carry out the arrangement made with them by the people of those States, whose word they relied on, they will find good means of getting out of Federation.

Mr. PROWSE.—If the treatment of Western Australia is much worse, we will join you.

Mr. MAHONY.—I am glad that the honorable member, who represents a Western Australian constituency, sees the force of my argument.

Mr. BOWDEN.—Western Australia has the east-west railway, at any rate.

Mr. MAHONY.—Yes. No question was raised against carrying out the compact with Western Australia for the building of the east-west railway, although the State has since failed to carry out some of its obligations in respect of that line. We shall never have a national spirit in Australia until the Federal Parliament is established in its own capital at Canberra, away from State influences. It is undeniable that a Parliament, sitting in any State capital, is consciously or unconsciously under the influence of ideas prevalent for the time being in that particular State. For the future welfare of Australia, it is necessary that we should get into our own Capital as soon as possible. I ask honorable members to hesitate very seriously before they attempt to tear up the solemn treaty made with New South Wales.

Mr. BELL (Darwin) [2.28].—In spite of what has been said by the honorable member for Dalley (Mr. Mahony) and others, and in spite of the assertion that representatives of Tasmania are desirous of tearing up a certain compact, and unwilling to give to the State of New South Wales what is due to her, I must oppose the proposal to spend such an enormous amount of money as will be involved in building the Federal Capital at the present juncture. I take second place to no honorable member in advocating expenditure that will be for the benefit of Australia as a whole, irrespective of State boundaries; but it is obvious that, at the present time, we cannot afford to spend money in the direction contemplated by the amendment. When first I went to school, I learned that "he is idle who might be better employed." We can amend that

aphorism, and say that money is idle when it might be better employed. If we were to find money to carry on the building of the Federal Capital, it might become necessary to withhold urgent expenditure in other directions. It has not been proved that if this Parliament were removed into the desert Capital, Australia would benefit. It is mainly upon the question of finance that I lodge my protest, and I intend to continue to strongly protest against any and every effort to authorize further expenditure on the Federal Capital. It has been argued that Australia has already laid out £1,000,000 at Canberra, and that it is lying idle so long as nothing further is done. There is another aphorism to the effect that it is bad policy to send good money after bad. It would be improper to spend another £2,000,000 or £3,000,000 simply because £1,000,000 is lying idle in the Federal Capital. Honorable members who employ the argument that the Federal Parliament should be removed from the influence of Australia's large cities are merely condemning themselves. Surely honorable members come here with some other point of view than that of representing merely parochial interests. Surely they have some thought for the welfare of Australia as a whole. Is it inevitable that honorable members who travel to Melbourne to carry out their legislative duties should be influenced by their immediate surroundings?

Mr. RYAN.—The honorable member for Grampians (Mr. Jowett) wants to send us to West Sydney.

Mr. BELL.—I protest against the statements of certain honorable members who have alleged that Tasmania has received her share of the benefits arising from the expenditure of Federal money; they are under a misapprehension. It has been pointed out that Tasmania has been receiving £90,000 per annum. Honorable members know the circumstances in which it was agreed to pay that sum, and they know that there was no question of bargaining or of that amount being regarded as Tasmania's dole. Public money was paid to that State following upon careful inquiries. It was rightly held that Tasmania, owing to the leakage of Customs revenue due to so much of her goods having come into the mainland first, was entitled to an amount

estimated to balance the annual leakage. When the island State entered the Federation she made no bargain. It has been submitted by certain honorable members, however, that a compact was made in the case of New South Wales. And, by way of emphasizing that point, it has been stated that had it been realized that, twenty years later, New South Wales' bargain would be repudiated, that State would not have come into the Federation. I have always taken the view that the Federal Capital compact came about largely because of the childish jealousy existing between the two leading cities of Australia. To-day, however, we are twenty years older. Melbourne and Sydney have grown; the people of Australia have developed, and should have grown in wisdom. After another twenty years our jealousies should have altogether disappeared, and our outlook should have become truly Australian.

Mr. MAHONY.—Where is Tasmania, anyhow?

Mr. PROWSE.—Is it a fact that it has been torpedoed?

Mr. BELL.—It is a striking commentary upon my own statements that, after twenty years of Federation, there should be members of the Commonwealth Parliament who find it necessary to ask "Where is Tasmania?" I take it that they do not know. They must possess very little interest in Australia as a whole, even though they may claim to represent national interests in this Chamber. The honorable member for Bass (Mr. Jackson) has stated that if Tasmania had known as much twenty years ago as she does now, she probably would not have entered the Federation. I do not say that; but, perhaps, if Tasmanians had been as keen as the representatives of some of the larger States, she might have driven some hard bargains.

Mr. TUDOR.—I do not think the other States would have agreed to Tasmania securing any hard bargains.

Mr. BELL.—Probably not, for the reason that they are more powerful. The threat that New South Wales might draw out of Federation if the Capital is not speedily built at Canberra is, of course, a joke. Despite the gibes so frequently heard concerning Tasmania, I am pleased

that I represent a small State in the Federation. It is always the big fellow who has plenty of friends. The little fellow generally has to look to himself. I prefer the honour of fighting for the little fellow; and, although I may not be successful, I can at least do my best; and my best at this stage is to enter an emphatic protest against expenditure of money on the Federal Capital in the near future.

Honorable members will be pleased, no doubt, with the assurance of the Treasurer (Sir Joseph Cook) that the Budget is to be brought down before the end of August. They will be still more pleased to learn, when the Budget is under review, that the Government have proposed various means for bringing about economy. I desire to refer particularly to the matter of the High Commissioner's Office. During my election campaign I announced that I stood for economy in all matters. It is hard for a private member to be able to place his finger on any specific item, and to say that expenditure can there be cut down. Here, however, is an item upon which economy can be effected without reduction of efficiency. Last week the Prime Minister (Mr. Hughes) presented some information concerning the cost of the High Commissioner's Office. The figures were rather startling. They would not have been so unpleasantly surprising had honorable members been satisfied that Australia was securing a beneficial return from the representation of the Commonwealth in Great Britain. When the Prime Minister made his statement a few weeks ago regarding the resignation of the ex-Treasurer (Mr. Watt) he remarked that the result of Mr. Watt's resignation was that Australia would be left absolutely without representation at certain highly important Conferences. If Australia has been left without representation the High Commissioner should now be on his way back to Australia, and a successor should be outward bound. I understand that there is at present a gentleman in England who is going into the matter of the reconstruction of Australia House. Upon what lines his investigations are being conducted I do not know. But, when it can be said that Australia has been left

without representation, although we have a High Commissioner in London, the Government should apply the lesson which it has learned; it should appoint a young and vigorous man to take up the Commissioner's duties in London, and remodel the High Commissioner's Office along the lines of highest efficiency. I trust that, when the Budget is presented, it will be shown that there has been a great reduction in the cost of it, for I am of opinion that that would not retard the efficiency of our representation in the Old Country. Indeed, the expenditure could be very well cut down by half, without the High Commissioner—whoever he may be in the future—having any qualms concerning the maintenance of the dignity of his position.

Mr. TUDOR (Yarra) [2.45].—It is not a new thing to hear in this Parliament complaints made against the Federation by the representatives of a particular State. New South Wales is now complaining that she has not received fair treatment, but the same complaint has come from Tasmania; from Western Australia, where not so long ago there was a secession movement; and from Queensland—when our white labour legislation was enforced; from South Australia; and from Victoria. That every State has in turn complained is, to my mind, proof that the Federation has dealt fairly with all of them.

I have risen to refer to a matter which is of importance to all honorable members, the judgment of Mr. Justice Isaacs in the recent Ballarat election case. Let me read a portion of the *Argus* report of the case, which appeared on the 3rd June—

Mr. Justice Isaacs scathingly criticised some of the official methods in the conduct of the election, which took place on December 13, 1919. Mr. Justice Isaacs, in the course of his judgment, said that the case raised several extremely important points of electoral law, and revealed a great number of official errors, causing disfranchisement of electors. In some cases these errors were due to almost incredible carelessness on the part of local presiding officers. He agreed that two of the votes had been properly allowed, and went on to refer to a number of cases in which, the petitioner alleged, persons had been wrongly refused a vote. Petitioner claimed that these and other votes refused vitiated the election.

Speaking of a Mrs. Franklin, Mr. Justice Isaacs said—

Clearly she was deprived of her vote by official error. Alfred Reason, enrolled for Ballarat East, and Alfred Crowther, enrolled for Buninyong, went to Duverney polling booth outside the electorate to vote as absentees. They were told that no blank absentee ballot-papers were left. The presiding officer was asked to alter some ballot-papers he had, but the suggestion was not acceded to, and the men, after waiting a considerable time, left without voting. Seven persons, duly qualified to vote, were, by official error, prevented from voting. . . . There could not be any doubt that, but for that official error in omitting the surname of McGrath, that vote would have made the numbers equal. In such case the D.R.O. would have been called on to decide by his casting vote. The official errors appearing in the Ballarat section of the case placed the matter beyond question. It was clearly proved that they affected the result, and it was the duty of the Court, in compliance with the Act, to declare that Edwin Thomas John Kerby was not duly elected for Ballarat, and that the election was absolutely void.

No costs were allowed. After the 1903 election, two petitions were lodged—Dr. Maloney, petitioning against the return of Sir Malcolm McEacharn for Melbourne, and Mr. Chanter against the return of Mr. Blackwood for Riverina. Subsequently, in an Appropriation Act—No. 21 of 1905—Parliament voted £100 each to all four gentlemen as an allowance towards their expenses, and in 1913 a grant of £250 was made to Mr. Chanter. In regard to neither of those elections did the presiding Judge make such a pronouncement against the electoral officials as was made the other day by Mr. Justice Isaacs in regard to the conduct of the Ballarat election. In all probability official errors have been made in connexion with the return of practically every member of the House, but the voting is not generally so close as it was in the Ballarat division. Probably, were the difference between the candidates only five votes, almost any election could be upset on that score. But when an election is upset through no fault of the candidates, they should not be penalized. I understand that an application has been made on behalf of Mr. Kerby that, as the election was declared to be invalid because of the mistakes made by officials, he should not be required to pay the expenses incurred in contesting it. I have also seen the Minister for Home and Territories (Mr.

Mr. Tudor.

Poynton) on the subject, and on the 1st of June wrote this letter to him—

Melbourne,
12th June, 1920.

DEAR SIR,

With reference to my interview with you on the 5th instant, regarding the petition for the Ballarat seat, I have to request that the question of the Electoral Office paying the costs of this suit on both sides be favorably considered.

As you know, many difficult points in connexion with electoral law have now been settled.

According to the judgment of Judge Isaacs, the voiding of the election was due to mistakes made by electoral officers, and not to either party or candidate.

The Judge ordered that a shorthand writer be appointed to take notes of the evidence. This cost each side £60. In my opinion, the Department should pay for this.

Section 197 of the Electoral Act provides that no counsel or solicitor should appear unless the parties consent, or the Judge orders this to be done. Mr. J. Kean, who appeared for Mr. McGrath, would not consent to this. The other side applied to the Court, and Mr. Justice Starke ordered that the parties be represented by solicitor and counsel.

I shall be glad if you will favorably consider this matter.

Mr. MAXWELL.—Have you received a reply to that letter?

Mr. POYNTON.—I have told the honorable member that the request has been referred to the Crown Law Department. We are entirely in sympathy with the application.

Mr. TUDOR.—Furthermore, I understand that, in the cases of Mr. Palmer and Mr. Chanter, who succeeded in unseating, by their petitions, the gentlemen first declared elected, the parliamentary allowance was paid as from the date of the original election. I do not say that the gentleman who was in December last returned for Ballarat, and sat here for some time, should be asked to refund what was paid to him by way of parliamentary allowance; but Mr. McGrath, who unseated him, and was kept out of the seat for a time by the fault of the officials, should be paid the allowance from the 13th December—the date of the original election. I trust that the Government will give favorable consideration to this matter, so that justice may be done to all parties concerned.

Sir ROBERT BEST (Kooyong) [2.55].

—There is much to be said for the contention of the Leader of the Opposition (Mr. Tudor). Clearly, the candidates for the Ballarat seat were not responsible

for the mistakes which invalidated the first election, and should not be penalized for them.

Sir JOSEPH COOK.—The matter will be put right.

Sir ROBERT BEST.—I rose to address a few words to the Committee on the amendment. Many honorable members opposite seem to regard the establishment of the Seat of Government at Canberra as a fetish, and they have raised all sorts of bogies by way of argument to support their proposal to move the Parliament to the Federal Capital. For them to suggest that this assembly is influenced by its surroundings, or by the press of Victoria, is to do themselves an injustice. They know well that they are not influenced in that way, either directly or indirectly.

Mr. RILEY.—Does not the *Age* rule you?

Sir ROBERT BEST.—Quite the contrary. Some of my honorable friends hardly know when they are well off. The people of Victoria have no feeling on this question; and, in my opinion, the people of New South Wales do not care a snap of the fingers about it. I cannot find out who it is that wants this Federal Capital.

Mr. HILL.—It is the representatives of New South Wales.

Sir ROBERT BEST.—I admit that a few of the representatives of that State wish us to move to the Federal Capital; but the people of New South Wales have not demanded the move, and to them the matter is of no moment.

Mr. MAHONY.—Take a broad view.

Sir ROBERT BEST.—That is what I am doing, and what my honorable friend is incapable of doing. The people of New South Wales realize that they are heavily burdened with taxation, and their chief concern is to be relieved of the excess. They have to contribute to the expense of government as much as, and perhaps more than, any other part of Australia. When we again reach normal conditions so far as taxation is concerned, my honorable friends will have a right to ask that the building of the Federal Capital be proceeded with. But, to prate about economy, and at the same time to waste money deliberately on a bush Capital, is the height of hypocrisy.

Mr. MARR.—That is what they said here before the war.

Sir ROBERT BEST.—I urge my honorable friends, who profess an anxiety for economy, to look at this matter sanely.

Mr. WATKINS.—We would like to make you travel a bit.

Sir ROBERT BEST.—The matter does not concern me personally. But my electors are anxious that they shall be released from excessive taxation, and not that they shall be further burdened. That is the question that is involved at the present time. When we are in such desperate financial straits, to deliberately set to work to waste money in the way suggested would be little short of madness and criminal folly. If honorable members believe that there is any feeling in any of the States, even in New South Wales, in favour of this Federal Capital project, I suggest that, at the next election a referendum be taken as to whether the Capital shall be proceeded with immediately or deferred until taxation has been reduced to normal dimensions. Everybody is ready to assist in the establishment of the Federal Capital when we can afford to do so, but there is no urgency about the project. Parliament dare not overlook the ultimate financial liability; we must consider, not merely the erection of buildings at Canberra at the present time, but also the construction of a railway from Jervis Bay to Canberra. It was realized from the very beginning that there must be a Federal port at Jervis Bay. I quite indorse that view. Without a Federal port and a railway connecting with Canberra we should travel to the Capital merely by the grace of New South Wales, and on railways belonging to that State. Therefore, we must realize that, in voting for the construction of the Federal Capital, we are committing ourselves also to expenditure on a railway from Jervis Bay. I do not delude myself with the hope that I shall make any impression upon the members who represent New South Wales, but I say that, if they were really earnest in their desire to represent the wishes of the people, they would take a referendum upon this question. The desire of my electors to be relieved of taxation to the greatest extent possible is common to the people of all States. As soon

as our financial position enables us to deal with this matter we shall have a right to take it into consideration. But to-day, when our finances are in the direst condition, and when the people have demanded that Parliament shall take every opportunity of exercising economy in every direction, we have no right to contemplate expenditure such as is proposed. It must be remembered that if money is wasted at Canberra other works more useful, and more necessary, must be neglected, and important matters which demand consideration will be sacrificed.

MR. WATKINS.—I have not heard the honorable member raise his voice once against all the expenditure that is taking place in Melbourne at the present time.

SIR ROBERT BEST.—Melbourne is not securing any greater expenditure than it is entitled to. But if the honorable member can prove that any unreasonable or unfair expenditure has been incurred in Victoria, I shall join with him in condemning it. It has been established that the creation of even a temporary capital would involve the expenditure of millions of pounds, which the community ought not to be called upon to pay at the present time. I challenge any honorable member to refer to any Federal expenditure unfairly incurred in Victoria. Inquiry will establish the fact that, as a rule, all expenditure of the kind has been incurred on the recommendation or order of a Minister from another State. In regard to the report recently furnished to the House by the Public Works Committee, only two members of that body are Victorian representatives, whilst three are from Western Australia. The Committee endeavoured to frame an impartial report, and their recommendation should be received in good faith. I join with other honorable members in protesting against the wasteful and flagrant expenditure at Canberra which is suggested by the supporters of the amendment.

MR. BOWDEN (Nepean) [3.8].—There are two ways of avoiding the payment of debts, and we have had illustrations of both this afternoon. The honorable member for Bass (Mr. Jackson) told us quite frankly that he advocates a policy of repudiation, so far as the debt to New South Wales, as specified in the Consti-

tution, is concerned. The honorable member for Kooyong (Sir Robert Best) gave an indication of the other way of avoiding payment, namely, the constant postponement without a distinct repudiation of the debt, the suggestion that it is inconvenient to pay at the present time, but if the bill is renewed for another three months the debtor may be in a better position to meet his obligation. I honestly and sincerely believe that it will be better in the interests of the Commonwealth and of Federal legislation that this Parliament should not meet in any of the great centres of population. We hear slighting remarks about people being influenced by associations. But there is, and always must be, a very great indirect influence through the associations of people in big centres. That influence is felt in this House, consciously or unconsciously.

MR. JOWETT.—Would not the same objection apply to small centres?

MR. BOWDEN.—No. In a big centre we have no chance of creating a Federal atmosphere in place of the State atmosphere which preponderates in a big State capital. The honorable member for Kooyong said that he did not know what influence was behind the agitation for the removal of this Parliament to Canberra. But he told us over and over again that his electors do not desire that this expenditure shall be incurred, and therefore he is opposed to it. The best answer to the honorable member's argument is the feeling reflected by the representatives of New South Wales. As a general rule, honorable members do not support projects which are not favoured by their constituents. We would not be in this House if we were out of harmony with the views of the majority of our constituents. The honorable member for Kooyong (Sir Robert Best) said that, so far as he knows, the Federal Capital is not regarded as an important question in any part of New South Wales. The fact is that every candidate in New South Wales had to face on the public platform the agitation for the removal of the Federal Parliament to Canberra.

MR. JOWETT.—That is because there is a Federal Capital League in New South Wales.

MR. BOWDEN.—Not necessarily. I do not think I addressed one meeting at

which I was not questioned regarding my attitude towards the Federal Capital.

Mr. JOWETT.—Because the League instigated the electors to ask the question.

Mr. BOWDEN.—If Victorian members have no better argument than insinuations of that character, they have a very weak case. No talking can evade the fact that a contract to establish the Federal Capital in New South Wales was deliberately inserted in the Constitution. I do not care whether or not people call it a bad bargain, or whether they say that New South Wales acted unfederally in insisting upon that condition; but the fact remains that a definite compact was made. The original enabling Bill was not carried in New South Wales by the requisite majority, and the section in regard to the Federal Capital was inserted as an inducement to New South Wales to join in the Federation. If New South Wales had stood out, Queensland would not have joined, and there would have been no Federation. It is certain that the required majority in favour of the enabling Bill would not have been obtained in New South Wales if the Federal Capital compact had not been inserted in the Constitution. I fought to secure the adoption of the original enabling Bill, and I know the opposition that we had to meet. When the second enabling Bill was placed before the people, I was one of those who went before the electors and said, "You have now obtained from the other States what you asked for; give us your support."

Mr. CONSIDINE.—Why did you play such a confidence trick on the electors?

Mr. BOWDEN.—I played no confidence trick on the electors, although the very people to whom I put that argument now say that they have been misled, and that Victoria never meant that the agreement should be carried out.

Mr. BRENNAN.—Do not the New South Wales people understand the principle of equity that you must come into Court with clean hands? If their object was unlawful or immoral, we are not bound to honour the compact.

Mr. BOWDEN.—I quite agree with the honorable member; and if he can show that this compact is either immoral or unlawful, then it need not be honoured. But the compact is neither immoral nor unlawful.

Sir JOSEPH COOK.—Nor unmoral.

Mr. BOWDEN.—Nor unmoral. After twenty years of delay and constant postponement the time has come to carry out the agreement. The argument that we have no money has been used over and over again; but so far as members from Victoria are concerned there never has been a time when there was any money to spend on the Federal Capital.

Mr. RILEY.—We can raise the money in New South Wales to build the Capital.

Mr. BOWDEN.—That is an argument that I have not used, but New South Wales will find the money. It is not a great amount that is required, though honorable members have talked about millions and millions, and it will be a gradual expenditure. If this Parliament would do the sane and proper thing, and sell the freehold of the land in the Federal Territory, we would obtain all the money we require. The difficulty arises simply because Parliament in its wisdom decided that there should be only leaseholds; and at the present time no man can take up a leasehold for building, because there are no regulations. There are men in Sydney who would undertake to build an accommodation house at Canberra if they could get the land, but they can get land neither on a ninety-nine-year lease nor on freehold. A great deal has been made of the "burden of taxation," and it has been said that this taxation the people of New South Wales do not desire. I remind honorable members that, of any expenditure on the Capital, New South Wales will bear quite one-half, as it bears one-half of all other expenditure.

Mr. TUDOR.—No, it does not.

Mr. BOWDEN.—New South Wales produces one-half of the revenue of the Commonwealth.

Mr. TUDOR.—The revenue returns are misleading. Sydney happens to be a terminal port, and much revenue that should be credited to Queensland is credited to New South Wales.

Mr. BOWDEN.—At any rate, New South Wales would practically pay one-half of the cost. I think I have said enough to show that the request made by myself and others is not an unreasonable one, namely, that Parliament should honour the Federal obligation. The Parliament has been asked to honour other

promises made at the inception of Federation. It was asked by Western Australia to honour a verbal promise made by Mr. Deakin and others to build the transcontinental railway, and the promise was honoured, although it was not part of the Constitution. Other States have also been treated very fairly.

Mr. GABB.—What about South Australia?

Mr. BOWDEN.—South Australia understood that the north-south railway would not be built immediately.

Mr. GABB.—But we expect it before the year 2000!

Mr. BOWDEN.—And so does New South Wales expect to have the Federal Capital; and I submit that all these promises should be honoured in the order in which they were made.

Mr. CONSIDINE (Barrier) [3.24].—The question, as it appears to me, is not of very vital importance to the great bulk of the people of Australia, who are the wage-earning men and women.

Mr. ROBERT COOK.—The people who really matter?

Mr. CONSIDINE.—Of course. It is immaterial to the working men and women where the Capital is situated. What benefit is any particular situation for the Capital going to be to them? What bearing will it have on their lives? As one who was sent here to represent the interests of working men and women, I fail to see how all this agitation for a specific site for the Seat of Government vitally affects the interests of the people as a whole. For all practical purposes, the Capital might as well be in Rabaul as in Canberra. What effect can the situation of the Capital have on wages or the general conditions of the working men and women of the country? If any influence of that kind could be shown, there might be something in the argument for a change in the Seat of Government. The only argument I have heard in favour of any action is the influence of the Victorian press.

Mr. ROBERT COOK.—Do you not think that that influence would follow the Parliament?

Mr. CONSIDINE.—That influence, in my opinion, is a very negligible quantity. The men and women of Australia are beginning to think for themselves, and have more sense than to take any notice of either the Victorian or the New South

Wales daily press; at any rate, to the extent they may have done hitherto. The only other argument worth consideration is that the removal of the Capital to New South Wales was arranged when Federation was established, and that that arrangement was made part and parcel of the Constitution. I am surprised that honorable members, who are such blatant supporters of constitutionalism and strong advocates of adhering to written promises and honorable understandings, should advocate any departure from the Federal compact. We were told that a reason for the world's catastrophe was the repudiation of certain documents or guarantees—that the world was engulfed because of the tearing up of a “scrap of paper.” We are now told by the same people that the understanding between one State and a number of others when Federation was inaugurated does not matter—that though New South Wales may have been promised the Capital, the promise does not matter, and we are very comfortable in Melbourne. The only reason I can see for supporting the removal of the Capital is that it forms part and parcel of the Federal Constitution. The people of New South Wales, through their representatives at the time, agreed with the other States that the Capital should be within the borders of New South Wales, and Parliament subsequently decided that it should be at Canberra.

Mr. ROBERT COOK.—Have it in Sydney, and save expense.

Mr. CONSIDINE.—The honorable member has as much opportunity as any one else to take steps to have the Capital removed to Sydney, but he must do it in a “constitutional” way. There does not seem to be any adverse movement worthy of the name, or any organized objection to keeping the agreement, but there has been a sort of concerted or organized inaction.

Mr. JOWETT.—Sort of “go-slow” business.

Mr. CONSIDINE.—Yes; the honorable member is participating in that evil practice.

Mr. JOWETT.—We are “going slow” in squandering money.

Mr. CONSIDINE.—The honorable member is “going slow” in carrying out an agreement made by his political progenitors. There is no reason why that

agreement should not be carried out. If there is a desire to repudiate it, the only honorable course is to have the understanding with the people of New South Wales reviewed, and another one substituted, with the consent of New South Wales and the other States. It makes no difference to the working man of Australia whether the Capital is at Broken Hill, Canberra, Newcastle, or Melbourne.

Mr. MAXWELL (Fawkner) [3.31].—Since I last had the pleasure of addressing honorable members, I have had the privilege of travelling a little in Northern Queensland. I also saw something of New South Wales and lower Queensland, and wherever I was I took the opportunity of entering into conversation with all sorts and conditions of men and women, with a view to seeing how far Federal matters interest the citizens of the Commonwealth, especially in regard to the question of the removal of the Seat of Government to Canberra. The impression left on my mind was that there is not the slightest interest taken in this matter, outside a narrow circle of interested people. Were I convinced that it is the wish of the citizens of Australia, who will be called upon to pay the piper, that the Seat of Government should be transferred to Canberra I would undoubtedly vote for it, but I am satisfied that the people of Australia, staggering under a tremendous debt, are not desirous of adding to that financial obligation and are perfectly content to wait for the transference of the Capital until some more favorable season. Generally speaking, I believe that the way in which we comport ourselves in this House, and the time we waste over trivialities, as we have been doing to-day, are to a large extent responsible for the lack of interest shown in Federal matters. The boat in which I was travelling was delayed at Townsville for an hour or two, and I had the opportunity of walking about the town. As I was anxious to gain some information about some of the trees I spoke to an intelligent-looking middle-aged man who was passing, and put some questions to him. Afterwards I got into conversation with him about Federal matters, and said, "By the way, who is the Federal member for Townsville?" He said, "I think he is a man named Dooley." I said, "I am perfectly certain it is not Mr. Dooley, because there is

no Mr. Dooley in the Federal House." Then he thought for a little while, and said, "If it is not Dooley I believe it is Ryan." I replied, "It is not Ryan. There is only one Ryan, and he is the member for West Sydney." The man scratched his head, and then said, "If it is not Dooley, and is not Ryan, I do not know who our member is." That is about the extent of the interest taken in Federal matters by the people in these remote districts. There is a feeling among them that the Federal Parliament neglects their interests. It would not matter to them where the Federal Capital was situated so long as they got decent legislation.

Mr. TUDOR.—Does the honorable member think that the fact that they do not know their representative's name amounts to much? Does he believe that 2 per cent. of the people in Victoria know who represent them in the Legislative Council?

Mr. MAXWELL.—In answer to my friend, I am sorry to say that I believe it is only too true that very little interest is taken in Federal matters outside certain circles. And this House is very largely responsible for that lack of interest. People, generally, are becoming so absolutely sick of the way in which it deals with business matters that they do not care practically who are elected to represent them or where their representatives sit.

Mr. WATKINS.—The honorable member ought to be the last man in the House to make that statement.

Mr. MAXWELL.—I am saying what I believe. When we, as business men, act and deal in a common-sense and business-like way with the matters that come before us the people will begin to take an interest in what we do. So long as we fritter away our time and waste it upon trivialities, they will not care a snap of the fingers what happens.

Sir JOSEPH COOK (Parramatta—Treasurer) [3.38].—After this controversial debate, I hope that we shall get the Supply Bill through. My concern is to get the money with which to pay the Federal public servants, and, incidentally, ourselves. It is about time we came to a decision on the matter of the transference of the Seat of Government to Canberra. Of course, there is absolutely no feeling about it, nobody cares very much about it; but somehow or other, accidentally, and

incidentally, I suppose, we have this spectacle: Nearly all the representatives of New South Wales are in favour of the Federal Capital being begun immediately, while nearly all the representatives of Victoria are against it, and, of course, honorable members representing both States look at the question from a national point of view. However, that is how the matter stands to-day, and how it has stood for twenty years past, and I am afraid that is how it will continue to stand.

Mr. FLEMING.—What we object to is that it has remained too long in that position.

Sir JOSEPH COOK.—The point I wish to make is that it is not quite fair to enter into a highly controversial question of this kind when a Supply Bill is before the Committee, the very essence of which is that it should not contain any controversial subjects. Everything has been excluded from this Bill that could lead to party feeling or controversy of this kind. Of course, it goes without saying that there should be ventilation of grievances before granting Supply; but may I suggest that the present is not an appropriate time for testing this matter by a vote of honorable members. Other occasions will be available when such a step may be taken. For instance, next Thursday is Grievance Day.

Mr. RILEY.—That will be of no advantage to us because the matter could be "talked out."

Sir JOSEPH COOK.—It would depend absolutely on the honorable member whether the matter was "talked out" or not.

Mr. RILEY.—There might be enough Victorians to "talk it out" all night.

Sir JOSEPH COOK.—The matter could not be "talked out" unless the House permitted it. That, I suggest, would be the proper way in which to submit the question to the arbitrament of the House. However, the Government, through the mouth of their Prime Minister (Mr. Hughes) made certain pledges on this subject at the recent election, and those pledges they will endeavour to carry out. When the Budget is presented I hope it will contain an earnest of the Government's intention in regard to Canberra; but I remind honorable members that the House is the tribunal which must ultimately decide the matter. Much as some

members of the Government may feel with regard to the question, it is one which is not to be decided absolutely by Ministers without reference to the House.

Mr. RILEY.—What is the Government's policy in this regard?

Sir JOSEPH COOK.—The Government policy is to proceed with the development of the Federal Capital in the terms of the constitutional agreement entered into twenty years ago. In pursuance of that agreement, and in consequence of the votes and deliberations of this House, large sums of money have already been spent at Canberra. I do not wish to discuss the merits of the question—the time for that has gone by; but I ask the honorable member for South Sydney, now that he has ventilated the question, and honorable members have had a field day over it, to let it go for the present, with the undertaking on the part of the Government that within the next few weeks the House will be asked to give a decision upon it. I have already told honorable members that I hope to introduce the Budget within the month of August, and I shall do my best to carry out that promise.

Mr. RILEY.—Will you promise to place money on the Estimates which will enable the work to proceed at Canberra?

Sir JOSEPH COOK.—I have already told the honorable member that the policy of the Government is to proceed with the development of the Federal Capital, and there I hope the matter will be allowed to rest.

Mr. RYAN.—The right honorable gentleman also said that an earnest of that policy would be found in the Estimates.

Sir JOSEPH COOK.—I hope that it will be found there, and with that understanding I trust that the honorable member will withdraw the amendment. We can gain nothing by pressing it to a division, except that perhaps some honorable members might have to vote against it who, in other circumstances, would probably vote for it.

Mr. RILEY (South Sydney) [3.44].—I am prepared to wait a few weeks until the Budget is produced, on the distinct understanding that the Government will carry out its promise, and as I do not wish to force the matter at the present time. I ask leave of the Committee to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. McWILLIAMS (Franklin) [3.45].—I think the time has come when there should be a thorough overhaul of the position in connexion with the office of High Commissioner. Matters are unsatisfactory to-day, not only to the gentleman holding that office, but to the Government and to the people of Australia. We are getting virtually no return for the money laid out. There are continual complaints in Australia that the High Commissioner is doing practically nothing. I understand that Mr. Fisher's view is that whenever there is anything important to be done, a Commonwealth Minister is sent to London to do it. I do not wish to utter a threat, but merely to intimate to the Government that, unless a complete statement is made before or on the introduction of the Budget, I will test the feeling of the House upon the question whether or not the High Commissionership is to be retained as at present. Australia is certainly getting no commensurate return for the money expended in London, and it can scarcely be a matter of the men who have been appointed to the High Commissionership, for both Sir George Reid and Mr. Fisher have been leaders of Australian public opinion, and have occupied with honour the highest office in the Commonwealth, namely, that of Prime Minister. If Mr. Hughes had gone Home as High Commissioner, and Mr. Fisher had remained here as Prime Minister, the latter, no doubt, would have journeyed to London to transact Australia's business, and Mr. Hughes would have been permitted to do nothing.

Mr. WATKINS.—That is very unfair to Mr. Fisher.

Mr. McWILLIAMS.—It is, and I want it clearly understood that I am not raising the matter in any personal sense. If Mr. Fisher is not competent to carry out the duties of his office the fact should have been made known long ago, and a successor appointed. At any rate, the time is rotten ripe for a change.

Mr. FENTON.—It is about time we had one Australian representative in London instead of a High Commissioner and six Agents-General.

Mr. McWILLIAMS.—It is.

Sir JOSEPH COOK.—The only answer necessary at the moment is that Australia sends very many less representatives to London than almost any other Dominion.

Mr. McWILLIAMS.—Then, all I can say is that the various Dominions must despatch a power of men to London.

Sir JOSEPH COOK.—Canadian Ministers are continually coming and going.

Mr. McWILLIAMS.—Canada is very foolish to allow such a state of affairs to continue.

Mr. RICHARD FOSTER.—And has Canada its various State Agents-General?

Sir JOSEPH COOK.—Certainly!

Mr. McWILLIAMS.—I am utterly dissatisfied with the manner in which the High Commissioner's office is conducted, and I emphasize that I am not making this a personal matter, for when Mr. Fisher was in this Parliament I differed with him politically, but always respected him as a man. It is now for honorable members to say whether the High Commissionership shall be continued as at present or not. If the High Commissioner is to be retained in London, let him do the work for which he is highly paid, and let us put an end to this perambulation of Ministers back and forth between Melbourne and London.

Sir JOSEPH COOK.—I believe that Tasmania has sent as many Ministers to England as the Federation; and more, in fact.

Mr. McWILLIAMS.—That is certainly not the case.

Mr. McGRATH (Ballarat) [3.50].—The attitude of the honorable member for Franklin (Mr. McWilliams), I take it, is that the High Commissionership should be retained, but that the gentleman holding that office should be a Minister of the Crown. That is precisely the view which I propounded when I returned to Australia. I found, in London, that Mr. Fisher had no powers whatever, and that every little question as it cropped up had to be referred to Australia so that he might secure advice and instruction. I saw for myself the necessity for a High Commissioner in London, and for the establishment of Australia House.

Sir JOSEPH COOK.—In normal times there are always 3,000 or 4,000 Australians in London.

Mr. McGRATH.—I quite believe that. No one who has paid a visit to Australia House, particularly if he were there during the war years, can question the necessity for the representation

of Australia in the capital of the Empire; but it is unnecessary to incur the expense of having Commonwealth Ministers continually travelling to and from Great Britain. If a Minister were appointed to the High Commissionership, with power to act in all circumstances, considerable trouble and expense would be saved the Commonwealth. I trust that the Government will favorably consider that point. If a Minister is sent to London, he will be representative of the Government of the day, which reflects the opinions of the majority of the people of Australia. An enormous amount of work was done in Australia House throughout the war. People who remained in the Commonwealth will scarcely credit, and can hardly be expected to appreciate the facts. In one branch alone, namely, the Pensions Branch, there was tremendous activity. It may be news to some honorable members that, of our first and second Australian Imperial Force Divisions, fully 30 per cent. of its *personnel* had their next-of-kin in Great Britain. The result was that a vast amount of pension work had to be conducted in Australia House. The building of that structure was a very fine business deal. Upon the establishment of a branch of the Commonwealth Bank in London during the war, no suitable premises were available except a portion of Australia House. To-day nearly one-half of that building is occupied by the Commonwealth Bank, and during the war years its activities were conducted mainly to suit the convenience of our soldiers abroad. Any one who spent some time in London, and witnessed the operations of the Commonwealth Bank in Australia House, must have been gratified to know that Australia had reared such a fine structure in London, and that it was housing our own Commonwealth banking institution. Still, there is a good deal of waste in Australia House. There is a considerable amount of frill, which ought to be cut out. There are many officials housed in various corners of that building who seem to be making a pretty good living out of Australia, but who are entirely out of touch with Commonwealth conditions. In the office of the Victorian Agent-General there is not a single individual, except the Agent-General himself, I believe, who has ever been in Australia; and there are many other persons employed in Australia House who have no knowledge

Mr. McGrath.

whatever of Australian life, and who are not competent to speak of the Commonwealth, or, for example, to answer questions of those who may be thinking of emigrating. Now that a fresh appointment is about to be made, I ask the Government to consider the question whether it is wise to simply appoint an agent who has no power whatever. I understand that Mr. Fisher still has to ask for instructions upon any and every matter that crops up. If, however, a Minister were appointed, he could deal without delay with such important matters as negotiations in connexion with war loans, and he could represent Australia at International Conferences. It would then be no longer necessary to send any one else overseas.

I wish to refer, also, to the distribution of Anzac tweed. In a reply which the Assistant Minister for Defence (Sir Granville Ryrie) gave to an honorable member, it was stated that the tweed manufactured at our Commonwealth Mills was being sold to the public at 15s. a yard. I regretted to hear that statement. If any one should set an example against profiteering, it should be the Government of the day. As a member of the Returned Sailors and Soldiers Imperial League, I was able to purchase the cloth for the suit which I am now wearing for £1 9s. 9d. I obtained it through the League. It is splendid material, and I ask the Government not to seek to make a profit from the operation of the Commonwealth Mills so long as they pay expenses. The people should be permitted to enjoy some of the benefits arising from this public activity, and should be able to secure this excellent cheap tweed which the Commonwealth Mills are turning out. Its distribution should not be confined to returned soldiers alone. Surely the widows and children of fallen men should be entitled to some of the material at cost price. I know that the Returned Soldiers League is not supplying Anzac tweed to others than members of the League. It was understood that this cloth was to be available to all soldiers for their services abroad, irrespective of whether or not they belonged to the Returned Sailors and Soldiers Imperial League. However, I can quite understand the position of the League. In conducting its distribution, it has to incur expenses of salaries and rent, and it is not

fair to ask that body to distribute the cloth to non-members. The tweed should be distributed through the Repatriation, or some other such Department; and it should be made available to all returned soldiers, to all returned nurses, and to all widows and children of deceased soldiers.

Mr. RYAN (West Sydney) [3.58].—Through which Department are the expenses of administering the War Precautions Act paid?

Sir JOSEPH COOK.—I think, through the Attorney-General's Department.

Question resolved in the affirmative.

Resolution reported. Standing Orders suspended and resolution adopted.

Resolution of Ways and Means covering Resolution of Supply reported and adopted.

Ordered—

That Sir Joseph Cook and Mr. Greene do prepare and bring in a Bill to carry out the foregoing resolution.

Bill presented by Sir JOSEPH COOK, and read a first and second time.

In Committee:

Clause 1 agreed to.

Clause 2—

There shall and may be issued and applied for or towards making good the Supply hereby granted to His Majesty for the service of the year ending the 30th day of June, 1921, the sum of £2,367,826 out of the Consolidated Revenue Fund for the purposes and services expressed in the schedule to this Act, and the Treasurer is hereby authorized and empowered to issue and apply the moneys authorized to be issued and applied.

Mr. RYAN (West Sydney) [4.3].—I wish to test the feeling of the Committee on a matter of very great importance, and, therefore, move—

That after the word "Act" the following words be inserted:—

"Provided that no moneys shall be expended or applied under the authority of this Act for the purpose of effecting any further deportations of residents of Australia without first being found guilty after having a charge made against them and being afforded the opportunity of a public trial by jury in accordance with the principles of British justice.

I think that public feeling is sufficiently aroused to make it imperative that we, as representatives of the people, shall take effective action in Parliament to pre-

vent the trampling under foot of *Magna Charta*, as has been done by this Government of late, and also its adoption of Star Chamber methods. I do not debate the question now, because I do not wish to delay the Committee.

Sir JOSEPH COOK (Parramatta-Treasurer) [4.5].—I am sorry that the honorable member has raised this matter in connexion with a Supply Bill, because it is most controversial.

Mr. RYAN.—It is very important.

Sir JOSEPH COOK.—I admit its importance, and for that reason it should not be raised in connexion with a Supply Bill which has been carefully framed to avoid matters of a controversial nature.

Mr. RYAN.—I wish to prohibit you from expending money in administering the War Precautions Act. If you are hamstrung in the way I propose, you cannot do it.

Sir JOSEPH COOK.—The Government will carry out deportations if they are found to be necessary, no matter what the honorable member may move.

Mr. RICHARD FOSTER.—The people demand it.

Mr. RYAN (West Sydney) [4.6].—The right honorable gentleman must bear it in mind that the Government cannot do these things except with the support of the majority in Parliament, and I wish every member of the House to say where he is in this matter.

Mr. RICHARD FOSTER.—We shall be delighted to have the opportunity of doing so.

Mr. RYAN.—Are honorable members in favour of having persons deported from this country—and my amendment refers to future deportations—without a specific charge being laid against them, and without a fair trial? I am against that sort of thing, and the people of Australia will want to know what attitude each member is prepared to adopt in regard to it.

Sir JOSEPH COOK.—The honorable member professes to be anxious to line up every member of this House on the subject, and yet has waited until two-thirds of the members have left before he decides to do so.

Mr. RYAN.—The Minister is most unjust. I have refrained from speaking a

word on any of the questions discussed during the day in order that I might the sooner have an opportunity to move this amendment, which I consider affects a matter of more importance than some of those that have been discussed.

Sir JOSEPH COOK.—The vote covered by the clause has already been twice approved to-day.

Mr. RYAN.—This is the only opportunity that I have had of dividing the Committee on the subject of my amendment, and, therefore, I insist on a division.

Question—That the words proposed to be inserted be so inserted—put. The Committee divided.

Ayes	12
Noes	25

Majority	13
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AYES.

Charlton, M.
 Considine, M. P.
 Cunningham, L. L.
 Lazzarini, H. P.
 Mahony, W. G.
 Maloney, Dr.
 Nicholls, S. R.

Ryan, T. J.
 Tudor, F. G.
 West, J. E.

Tellers:
 McGrath, D. C.
 Riley, E.

NOES.

Bamford, F. W.
 Bell, G. J.
 Best, Sir Robert
 Blundell, R. P.
 Rowden, E. K.
 Cameron, D. C.
 Cook, Sir Joseph
 Fleming, W. M.
 Foster, Richard
 Francis, F. H.
 Greene, W. M.
 Higgs, W. G.
 Hughes, W. M.

Lister, J. H.
 Marks, W. M.
 Marr, C. W. C.
 Maxwell, G. A.
 Poynton, A.
 Prowse, J. H.
 Rodgers, A. S.
 Ryrie, Sir Granville
 Smith, Laird
 Wise, G. H.
Tellers:
 Burchell, R. J.
 Story, W. H.

Question so resolved in the negative.

Amendment negatived.

Clause agreed to.

Clauses 3 and 4 agreed to.

Schedule, preamble and title agreed to.

Bill reported without amendment; report adopted.

Bill read a third time.

UNLAWFUL ASSEMBLIES BILL.

Bill received from the Senate, and (on motion by Sir JOSEPH COOK) read a first time.

House adjourned at 4.15 p.m.

Members of the House of Representatives.

Speaker—The Honorable Sir William Elliot Johnson, K.C.M.G.

Chairman of Committees—The Honorable John Moore Chanter.

Anstey, Frank ..	Bourke (V.)	Johnson, Hon. Sir William Lang (N.S.W.)	
³ Atkinson, Llewelyn ..	Wilmot (T.)	Elliot, K.C.M.G.	
Bamford, Hon. Frederick	Herbert (Q.)	Jowett, Edmund ..	Grampians (V.)
William		³ Kerby, Edwin Thomas	Ballarat (V.)
Bayley, James Garfield ..	Oxley (Q.)	John	
Bell, George John ..	Darwin (T.)	Lamond, Hector ..	Illawarra (N.S.W.)
Best, Hon. Sir Robert	Kooyong (V.)	Lave le, Thomas James ..	Calare (N.S.W.)
Wallace, K.C.M.G.		Lazzarini, Hubert Peter ..	Werriwa (N.S.W.)
Blakeley, Arthur ..	Darling (N.S.W.)	Lister, John Henry ..	Corio (V.)
Blundell, Reginald Pole ..	Adelaide (S.A.)	Livingston, John ..	Barker (S.A.)
Bowden Eric Kendall ..	Nepean (N.S.W.)	Mackay, George Hugh ..	Lilley (Q.)
Brennan, Frank ..	Batman (V.)	Mahon Hon Hugh ..	Kalgoorlie (W.A.)
Bruce, Stanley Me bourn	Flinders (V.)	Mahony, William George ..	Dalley (N.S.W.)
Burchell, Reginald John ..	Fremantle (W.A.)	Makin, Norman John	Hindmarsh (S.A.)
Catts, James Howard ..	Cook (N.S.W.)	Oswald	
Cameron, Donald Charles	Brisbane (Q.)	Maloney, William ..	Melbourne (V.)
Chanter, Hon. John Moore	Riverina (N.S.W.)	Marks, Walter Moffitt ..	Wentworth (N.S.W.)
Chapman, Hon Austin ..	Eden-Monaro	Marr, Charles William	Parkes (N.S.W.)
	(N.S.W.)	Clanan	
³ Charlton, Matthew † ..	Hunter (N.S.W.)	Mathews, James ..	Melbourne Ports (V.)
⁴ Considine, Michael Patrick	Barrier (N.S.W.)	Maxwell, George Arnot ..	Fawkner (V.)
Cook, Right Hon. Sir	Parramatta (N.S.W.)	¹ McDonald, Hon. Charles ..	Kennedy (Q.)
Joseph, P.C., G.C.M.G.		⁶ McGrath, David Charles ..	Ballarat (V.)
Cook, Robert ..	Indi (V.)	McWilliams, William James	Franklin (T.)
Corser, Edward Bernard	Wide Bay (Q.)	Moloney, Parker John ..	Hume (N.S.W.)
Crosset		Nicholls, Samuel Robert ..	Macquarie (N.S.W.)
Cunningham, Lucien	Gwydir (N.S.W.)	Page, - Earle Christmas	Cowper (N.S.W.)
Lawrence		Grafton	
Fenton, James Edward ..	Maribyrnong (V.)	Page, Hon. James ..	Maranoa (Q.)
³ Fleming, William Mont-	Robertson (N.S.W.)	Poynton, Hon. Alexander ..	Grey (S.A.)
gomerie		Prowse, John Henry ..	Swan (W.A.)
Foster, Hon. Richard	Wakefield (S.A.)	Riley, Edward ..	South Sydney
Witty			(N.S.W.)
² Fowler, Hon. James	Perth (W.A.)	Rodgers, Arthur Stanis-	Wannon (V.)
Mackinnon		laus	
Francis, Frederick Henry	Henty (V.)	Ryan, Hon. Thomas	West Sydney
Gabb, Joel Moses ..	Angas (S.A.)	Joseph, K.C.	(N.S.W.)
Gibson, William Gerrard	Corangamite (V.)	Ryrie, Sir Granville de	North Sydney
Greene, Hon. Walter	Richmond (N.S.W.)	Launce, K.C.M.G., C.B.,	(N.S.W.)
Massy		V.D.	
Gregory, Hon. Henry ..	Dampier (W.A.)	Smith, Hon. William	Denison (T.)
Groom, Hon. Littleton	Darling Downs (Q.)	Henry Laird	
Ernest		Stewart, Percy Gerald ..	Wimmera (V.)
Hay, Alexander ..	New England	Story, William Harrison ..	Boothby (S.A.)
	(N.S.W.)	Tudor, Hon. Frank Gwynne	Yarra (V.)
Higgs, Hon. William Guy	Capricornia (Q.)	³ Watkins, Hon. David ..	Newcastle (N.S.W.)
Hill, Will am Caldwell ..	Echuca (V.)	Watt, Right Hon. William	Balaclava (V.)
Hughes, Right Hon.	Bendigo (V.)	Alexander, P.C.	
William Morris, P.C.,		West, John Edward ..	East Sydney
K.C.			(N.S.W.)
Jackson, David Sydney ..	Bass (T.)	Wienholt* Arnold ..	Moreton (Q.)
		Wise, Hon. George Henry	Gippsland (V.)

1. Sworn 27th February, 1920. —2. Sworn 3rd March, 1920. —3. Appointed Temporary Chairman of Committees, 4th March 1920. —4. Made affirmation, 5th March, 1920. —5. Election declared void, 2nd June, 1920. —† Sworn 11th May, 1920 —6. Elected 10th July, 1920. Sworn 21st July, 1920.

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COMMITTEES.

SENATE.

DISPUTED RETURNS AND QUALIFICATIONS.—Senator Fairbairn, Senator Gardiner, Senator Sir T. W. Glasgow, Senator Keating, Senator Lynch, Senator Pratten, and Senator Senior.

STANDING ORDERS.—The President, the Chairman of Committees, Senator de Largie, Senator Duncan, Senator Earle, Senator Elliott, Senator Foll, Senator Gardiner, Senator R. S. Guthrie, and Senator Lynch.

LIBRARY.—The President, Senator Benny, Senator Bolton, Senator de Largie, Senator Gardiner, Senator Keating, and Senator Pratten.

HOUSE.—The President, the Chairman of Committees, Senator Buzacott, Senator J. F. Guthrie, Senator Rowell, Senator Thomas, and Senator Wilson.

PRINTING.—Senator Adamson, Senator Cox, Senator J. D. Millen, Senator Newland, Senator Plain, Senator Reid, and Senator Senior.

PUBLIC ACCOUNTS COMMITTEE (JOINT).—Senator Bolton, Senator Buzacott, and Senator J. D. Millen.

PUBLIC WORKS (JOINT).—Senator Foll, Senator Newland, Senator Plain.

HOUSE OF REPRESENTATIVES.

STANDING ORDERS.—Mr. Speaker, the Prime Minister, the Chairman of Committees, Mr. Atkinson, Mr. Charlton, Mr. Fowler, and Mr. Tudor.

LIBRARY.—Mr. Speaker, Mr. Anstey, Mr. Fleming, Mr. Fowler, Mr. Higgs, Mr. Lamond, Mr. Mackay, Mr. Maxwell, Dr. Maloney, and Mr. McDonald.

HOUSE.—Mr. Speaker, Mr. R. W. Foster, Mr. Gregory, Mr. Livingston, Mr. Mathews, Mr. James Page, Mr. Rodgers, and Mr. Watkins.

PRINTING.—Mr. Bamford, Mr. Bowden, Mr. Corser, Mr. Fenton, Mr. McWilliams, Mr. Riley, and Mr. West.

PUBLIC ACCOUNTS (JOINT).—Mr. Bayley, Mr. Charlton, Mr. Fenton, Mr. Fleming, Mr. Fowler, Mr. Prowse, and Mr. West.

PUBLIC WORKS (JOINT).—Mr. Atkinson, Mr. Bamford, Mr. Gregory, Mr. Mackay, Mr. Mathews, and Mr. Parker Moloney.

SEA-CARRIAGE: SELECT COMMITTEE.—Mr. Atkinson, Mr. Burchell, Mr. Corser, Mr. Foster, Mr. Mahony, Mr. McWilliams, and Mr. Watkins.